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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213413
Party	Defendant M Webb, LLC
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Submission	Other Motions/Papers
Filer's Name	Molly Buck Richard
Filer's e-mail	molly@richardlawgroup.com
Signature	/Molly Buck Richard/
Date	08/03/2015
Attachments	Declaration of D. Diamond & Exs 1-21.pdf(2535119 bytes) Declaration of D. Diamond & Exs 22-31.pdf(4446493 bytes) Declaration of D. Diamond & Exs 32-40.pdf(5208078 bytes) Declaration of D. Diamond & Exs 41-52.pdf(5081683 bytes) Declaration of D. Diamond & Exs 53-1.pdf(2118132 bytes) Declaration of D. Diamond & Exs 53-2 - 58-1.pdf(5855282 bytes) Declaration of D. Diamond & Exs 58-2 - 65.pdf(5971864 bytes) Declaration of D. Diamond & Exs 66-79.pdf(5513951 bytes) Declaration of D. Diamond & Exs 80-End.pdf(4622948 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAPPIN & WEBB LIMITED,)
0)
Opposer)
v.)
) Opposition No. 91213413
M WEBB, LLC) Serial No. 85/460,569
)
Applicant)

DECLARATION OF DAVID J. DIAMOND IN SUPPORT OF APPLICANT'S MAIN ACR BRIEF

I, David J. Diamond, declare as follows:

- 1. My name is David J. Diamond. I am over the age of 21 years, am fully competent to make this Declaration, and am personally acquainted with the facts stated herein unless otherwise noted. I am an attorney at Richard Law Group, Inc. and am counsel for Applicant M Webb LLC ("Applicant") in the above-styled proceeding.
- 2. During July 2015, I collected the following documents served by Opposer in the course of discovery in this proceeding, and I also visiting and collected printouts of the following TESS/TSDR information as well as printouts of the following websites. Among other things, the attached exhibits show the following types of relevant information: (1) Opposer's documented sale of goods to a U.S. customer; (2) Opposer's advertising and promotion of its MAPPIN & WEBB and MAPPIN & WEBB LONDON marks; (3) Opposer's current market presence within the United States; (4) federal registrations and pending applications for "WEBB," "WEBB"-formative, "MAPPIN," and "MAPPIN"-formative marks within International Classes 14, 18, and/or 25; (5) use in commerce of "WEBB" and "WEBB"-formative marks in connection with goods within International Classes 14, 18, and/or 25; (6) truncation or abbreviation of personal name or compound surname marks to either the first name or initials; (7) truncation or

abbreviation of compound word marks within the fashion industry to either the first word or initials; (8) truncation or abbreviation of fashion designers' personal names to their surnames; (9) Opposer's use of "MAPPIN" as a truncation or abbreviation of its marks; (10) the obituary of Princess Grace Kelly; (11) the Trademark Trial and Appeal Board opinion for the non-precedential decision *Reidl Uhrengrosshandels-Gesellschaft M.B.H. v. Viva Time Corp.*; and (12) the company information website printout for Heathrow Airport Holdings Limited (formerly BAA). True and correct copies of these materials have been intermittently highlighted or annotated for emphasis.

- 3. Attached as Exhibit 1 is a true and correct copy of the TESS/TSDR printouts for Application Serial No. 85542114 for the mark MARISSA WEBB.
- 4. Attached as Exhibit 2 is a true and correct copy of the TESS/TSDR printouts for Application Serial No 85460569 for M WEBB.
- 5. Attached as Exhibit 3 is a true and correct copy of Opposer Mappin & Webb Limited's (hereinafter "Opposer") Responses to Applicant's First Set of Interrogatories.
- 6. Attached as Exhibit 4 is a true and correct copy of Opposer's Responses to Applicant's First Request for Production of Documents.
- 7. Attached as Exhibit 5 is a true and copy of Opposer's Responses to Applicant's First Request for Admissions.
- 8. Attached as Exhibits 6-23 are true and correct copies of TESS printouts for active third-party registrations and pending applications for marks including the "WEBB" surname in International Classes 14, 18, and/or 25; TESS printouts for all active registrations and pending applications for marks including the surname "MAPPIN" in International Classes 14, 18, and/or 25; and the inactive registration for "MAPPIN PLATE" owned by Opposer. The following chart

summarizes these exhibits and identifies each by exhibit number, mark, current filing basis and registration or serial number, identified good and services, and mark owner. The relevant goods within 14, 18, and/or 25 identified for "WEBB" and "WEBB"-formative marks have been highlighted.

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
6	BUTLER & WEBB	SN: 86258704 April 22, 2014 44(e)	(Int'l Class: 03) perfumes; non-medicated toiletry preparations; cosmetics, soaps, essential oils, hair care preparations, shampoos; depilatory preparations; razors; anti-perspirants; dentifrices; toilet articles, namely, shower gel, aftershave and deodorants; non- medicated preparations for the care of the scalp and skin; non-medicated preparation for use in the bath (Int'l Class: 18) leather and imitations of leather, and articles made of leather and imitations of leather, namely, all purpose bags, belts, wallets, computer cases, cases for mobile phones, trunks, travelling bags, namely, suitcases, sports bags, soft carry cases for computers and mobile devices; handbags, suitcases, holdalls, umbrellas and parasols (Int'l Class: 25) articles of clothing, namely, shirts, pants, socks, tops, bottoms, jackets, t-shirts, sweatshirts, suits; footwear; boots; shoes and slippers	Primark Holdings
7	CORNELIA WEBB	RN: 4333275 5/14/2013 66(a)	(Int'l Class: 14) jewellery and imitation jewellery; precious stones; horological and chronometric instruments; costume jewellery; jewelry chains; ornaments of precious metal in the nature of	Cornelia Webb (Sweden Citizen)

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			jewelry	
8	DAVID W WEBB & Design	RN: 4089876 1/24/2012 1(a)	(Int'l Class: 14) jewelry, watches, and works of art made of precious and semi-precious metals, stones and gems (Int'l Class: 35) retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems; online retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems (Int'l Class: 36) jewelry appraisal and valuation services (Int'l Class: 37) repair, maintenance, and restoration of jewelry, watches and works of art made of precious and semi-precious metals, stones and gems	David Webb, LLC
9	DAVID WEBB	SN: 86382005 8/31/2014 1(b)	(Int'l Class: 03) cosmetics; perfumes (Int'l Class: 09) eyeglass cases; eyeglasses (Int'l Class: 16) paper stationery (Int'l Class: 18) handbags (Int'l Class: 21) dinnerware (Int'l Class: 25) scarves; shoes; women's clothing, namely, shirts, dresses, skirts, blouses (Int'l Class: 35) on-line retail store services featuring jewelry	David Webb, LLC

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
10	DAVID WEBB	RN: 4089875 1/24/2012 1(a)	(Int'l Class: 14) jewelry, watches, and works of art made of precious and semi-precious metals, stones and gems (Int'l Class: 35) retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems.; online retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems (Int'l Class: 37) repair, maintenance, and restoration of jewelry, watches and works of art made of precious and semi-precious metals, stones and gems	David Webb, LLC
11	DAVID WEBB NEW YORK & Design DAVID WEBB New York	SN: 86381987 8/31/2014 1(a); 1(b)	(Int'l Class: 03) cosmetics; perfumes (Int'l Class: 09) eyeglass cases; eyeglasses (Int'l Class: 14) jewelry; jewelry watches; precious and semi-precious gems; works of art of precious metal (Int'l Class: 16) paper stationery (Int'l Class: 18) handbags (Int'l Class: 21) dinnerware (Int'l Class: 25) scarves; shoes; women's clothing, namely, shirts, dresses, skirts, blouses (Int'l Class: 35) (based on use in commerce) retail jewelry stores; (based on intent to use)	David Webb, LLC

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			on-line retail store services featuring jewelry	
12	DWEBB	SN: 86137987 12/8/2013 1(b)	(Int'l Class: 14) jewel pendants	Webb, Danny L., Dba Danny Webb (U.S. Citizen)
13	GARDNER- WEBB UNIVERSITY	RN: 3460242 7/8/2008 1(a)	(Int'l Class: 06) metal key chains (Int'l Class: 14) lapel pins (Int'l Class: 16) paper goods, namely, pennants, napkins, window stickers, bumper stickers, decals, sticker sheets, pencil pouches, stationary sets, composed primarily of stationery and envelopes, note cards, folders, padfolios, portfolios, calendars, notebooks, writing paper and envelopes, binders and folders for papers, paperweights, pens, pencils, paper banners and posters (Int'l Class: 18) umbrellas, tote bags (Int'l Class: 20) plastic car flags and non-metal key chains and clear plastic holders for identification badges (Int'l Class: 21) trash cans, mugs (Int'l Class: 24) cloth banners, cloth flags and cloth pennants (Int'l Class: 25) clothing for men, women and children, namely, shirts, shorts, hats	Gardner-Webb University, Inc.

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			and caps, socks, jackets, pants, sweatsuits, sweatshirts, sweatpants, sleepwear, rainwear, and sweaters (Int'l Class: 41) education and entertainment services, namely, providing educational courses at the college level and arranging and conducting college level men's and women's sporting events, namely, men's and women's basketball, men's football, men's baseball, women's volleyball, women's softball, men's and women's track and field, men's and women's swimming, men's and women's cross country, men's and women's soccer, men's and women's golf	
14	GARDNER-WEBB UNIVERSITY PRO DEO ET HUMANITATE 1905 BOILING SPRINGS, N.C. & Design	RN: 2443998 4/27/2001 1(a)	(Int'l Class: 06) metal keychains, metal novelty license plates (Int'l Class: 14) watches, lapel pins (Int'l Class: 16) paper goods, namely pennants, napkins, window stickers, bumper stickers, decals, sticker sheets, pencil pouches, stationery sets, composed primarily of stationery and envelopes, note cards, folders, padfolios, portfolios, calendars, notebooks, writing paper and envelopes, binders and folders for papers, paperweights, pens, pencils, banners and posters (Int'l Class: 20) Cancelled - Sec. 8 [cushions, non-metal key chains and clear plastic holders for identification badges] (Int'l Class: 21) glassware, namely, drinking glasses,	Gardner-Webb University, Inc.

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			cups, mugs, pitchers, vases, bowls, and trash cans (Int'l Class: 24) cloth banners, cloth pennants (Int'l Class: 25) clothing for men, women and children, namely, shirts, shorts, hats and caps, socks, jackets, pants, sweatsuits, sweatshirts, sweatpants, sleepwear, rainwear, and sweaters (Int'l Class: 41) education and entertainment services, namely providing educational courses at the college level and arranging and conducting college level men's and women's sporting events, namely, men's and women's basketball, men's football, men's baseball, women's volleyball, women's softball, men's and women's swimming, men's and women's cross country, men's and women's soccer, men's and women's tennis and men's and women's golf	
15	THE WEBB ELLIS CUP	RN: 4654656 12/16/2014 66(a)	(Int'l Class: 09) computer games software; video games software (Int'l Class: 25) sports and leisure clothing, namely, sports jerseys, sports over uniforms, swimming suits, tracksuits, warm-up suits, uniforms, sports shorts, sports jackets, track jackets, sports anti- sweat underclothes, headgear, namely, caps as headwear; visor caps, hats, head bands knitted bonnets, knitted caps, knitted hats, underwear for men, ties, scarves, footwear for sport (Int'l Class: 28)	Rugby World Cup Limited

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			toys, namely, dolls and plush toys, toy vehicles, puzzles, balloons, inflatable toys; games other than those adapted for use with an external display screen or monitor, namely, hand-held electronic games including those with liquid crystal displays, action skill games, arcade games, card games, parlour games, party games other than those designed to be used only with a television receiver, namely, hand-held games with liquid crystal displays, video games for coin operated amusement machines; sporting and gymnastic articles, namely, sports apparatus in the nature of rugby gloves, knee guards for athletic use, elbow guards for athletic use, shin guards for athletic use, shoulder protectors in the nature of shoulder pads for athletic use, rugby goals, sports bags specially adapted for carrying sports equipment; storage apparatus comprising shelving specially adapted for sports equipment; rugby balls; ordinary playing cards (Int'l Class: 41) entertainment services, namely, rugby competitions, rugby matches, and rugby tournaments, amusement park services, organization of sports competitions and recreational park services; entertainment services provided at or relating to sports events, namely, fireworks display laser shows, live audio and visual performances by actors and dancers, live performances by a musical band, preparation of special effects during or in connection with sports events; entertainment services provided at or relating to relating to	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			sports events, namely, production of sports related audio recording and film and video programs; entertainment services, namely, providing a web site featuring non-downloadable musical performances, musical videos, related film clips, photographs and other multimedia materials featuring sports; entertainment services, namely, the provision of programs, segments, movies, and shows featuring sports and sports news delivered by radio broadcasts, television broadcasts, cable transmission; entertainment services provided at or relating to sports events, namely, production of sports related audio and video programs, video clips, audio clips and replays and distribution of such programs, clips and replays by means of radio broadcasts, television broadcasts, cable transmission and satellite transmission provided as content available on websites and as entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through internet and on mobile devices via global computer networks and wireless networks; producing, organizing and staging sports competitions in the field of rugby; proving sports exhibition facilities; providing museum facilities; museum services; presentation of live performances by a music group; provision of stadium, conference and exhibition services for sports purposes and for music concerts; rental of sports stadium facilities and sports apparatus,	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			except vehicles; musical services in the nature of live concerts; photography; photography productions services	
16	WEBB	SN: 86354460 7/31/2014 1(a)	(Int'l Class: 14) jewelry; jewelry watches; precious and semi-precious gems; semi- precious and precious stones; works of art of precious metal	David Webb LLC
17	WEBB & SCOTT CO. & Design webbascott co.	RN: 3950102 4/26/2011 66(a)	(Int'l Class: 25) clothing, namely, shirts, blouses, coats, raincoats, suits, skirts, jackets, trousers, jeans, waistcoats, t-shirts, polo shirts, polo knit tops, jerseys, sweaters, blazers, cardigan, stockings, socks, underwear, corsets, nightgowns, pajamas, bathrobes, sun suits, sports jackets, ski pants, ski gloves, wind-resistant jackets, sweat suits, ties, neckties, scarves, shawls, stoles, gloves, sashes, belts, sport trousers, shorts and pants, suits made of leather, lady suits, stockings, pants, panties, brassieres, body suits, singlets, petticoats, suspender belts, dressing gowns, overcoats, fur coats; footwear, namely shoes, slippers, sport shoes, boots and sandals; headgear, namely, caps and hats	Migor S.P.A.
18	WEBB C BALL	RN: 2967778 7/12/2005 1(a)	(Int'l Class: 14) jewelry and watches	Teddy Bear Group LTD.

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
19	WEBB ELLIS & Design webb ellis	RN: 3435362 5/27/2008 1(a)	(Int'l Class: 25) rugby shoes; rugby clothing, namely, shorts, shirts, jackets and pants	Webb Ellis LTD
20	WEBBSKELLY and Design	SN: 86254608 4/17/2014 1(b)	(Int'l Class: 25) clothing, namely, shirts, t-shirts, polo shirts, tank tops, sweatshirts, shorts, pants, sweatpants, swim suits, jackets, hats, caps	Webb, Charles (U.S. Citizen)
21	MAPPIN & WEBB	SN: 85350960 6/20/2011	(Int'l Class: 08) cutlery, forks, spoons, and ice tongs (Int'l Class: 09) leather articles, namely, mobile phone cases; measuring cups (Int'l Class: 14) articles made of precious metals or coated or plated therewith, namely, money boxes, cuff links, jewelry, and key rings; horological and chronometric instruments; watches, clocks, and parts and fittings for all of the aforesaid goods, namely, watch movements, watch parts, watch faces, watch hands, clock movements, clock parts, clock faces, clock hands, clasps, settings, links, and fasteners; precious stones; precious stones set in precious metals, watch straps (Int'l Class: 16) articles made of precious metals or coated or plated therewith, namely, pens, bookends, money clips; passport holders; journal covers (Int'l Class: 18) leather articles, namely, wallets, credit card holders and calling card holders, luggage tags, purses, trunks and	Mappin & Webb Limited

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			travelling bags; umbrellas, parasols and walking sticks; articles made of precious materials or coated or plated therewith, namely, credit card holders and calling card holders (Int'l Class: 20) mirrors, picture frames, photograph frames, and home furnishings made of wood, cork, reed, cane, wicker, meerschaum and substitutes for all these materials, or of plastics, namely, cabinets for display; photograph frames; non-metal key rings (Int'l Class: 21) domestic kitchen and bar utensils and containers, namely, trays, decanters, candle holders, tea light holders, taper holders, cookie and sweetie canisters for kitchen use, dishes, bowls, vases; perfume bottles sold empty; ice buckets; brushes, namely, hair brushes and make up brushes; combs; clothes brushes; corkscrews; bottle openers; flasks; housewares, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitcher and soup tureens; glass ware, namely, glass decanters, glass vases, beverage glassware, glass jugs, glass beverage stirrers, glass perfume bottles sold empty, glass bowls, glass ice buckets, glass tea light candle holders; beverage ware; dinnerware; tableware, namely, non-electric candelabra, bowls, dishes, jugs, vases, serving trays; hollowware, namely, cooking pots, sauce pans, frying pans, water pitchers, tea	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitchers and soup tureens; crystal, namely, photo frames, tea utensils, namely, pinch pots; candle holders, tea light holders, taper holders, dishes, light holders, ambiray trays, namely, serving trays; porcelain figurines, plaques, candle sticks, mugs, jugs, ornaments, sculptures, statues, bowls, dishes, and plates; china, namely, domestic kitchen utensils, namely, kitchen ladles, pouring and straining spouts, spoon rests, napkin holders, napkin rings, place name holders, jelly moulds, cupcake wraps, cake stands, porcelain cake toppers, cake turntables in the nature of lazy susans, pie vents and funnels, oil drizzlers, vinegar drizzlers, garlic roasters, fondue sets, namely, fondue pots without a heat source, fondue forks, and fondue pot stands, ice cream scoops, citrus squeezers, citrus reamers, banana trees, mug trees, salad servers, salt pots, pepper pots, pepper mills, mussel servers; earthenware, namely, domestic kitchen bowls, teapots coffee pots, vases, perfume bottles sold empty, jugs, mugs, dishes, plates, vases; and earthenware bowls, dishes, plates, candle accessories, namely, tea light holders; china and porcelain figurines; china, porcelain, glass and crystal ornaments; china, porcelain, and glass statues, jugs, mugs, and tea light candle holders; salvers, namely, trays; powder	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			compacts sold empty; articles made of precious metals or coated or plated therewith, namely, bowls, decanters, dishes, jugs, mugs, napkin rings, ice buckets, canisters for kitchen use, egg cups; articles made of precious metals or coated or plated therewith, namely, tea light candle holders, candle sticks, non-electric candelabra, serving trays, corkscrews, hipflasks, and bottle openers (Int'l Class: 35) retail store, online retail store, and mail order services in the fields of jewelry, precious stones, articles made of or coated with precious metals, glassware, cutlery, horological and chronometric instruments, leather goods, grooming aids, giftware, gift items, kitchen utensils, mirrors, picture frames, porcelain, earthenware, hipflasks	
22	MAPPIN & WEBB LONDON	SN: 85350965 June 20, 2011 1(b)	hipflasks N: 85350965 (Int'l Class: 08) une 20, 2011 cutlery, forks, spoons, and ice tongs	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			metals, watch straps (Int'l Class: 16) articles made of precious metals or coated or plated therewith, namely, pens, bookends, money clips; passport holders; journal covers (Int'l Class: 18) leather articles, namely, wallets, credit card holders and calling card holders, luggage tags, purses, trunks and travelling bags; umbrellas, parasols and walking sticks; articles made of precious materials or coated or plated therewith, namely, credit card holders and calling card holders (Int'l Class: 20) mirrors, picture frames, photograph frames, and home furnishings made of wood, cork, reed, cane, wicker, meerschaum and substitutes for all these materials, or of plastics, namely, cabinets for display; photograph frames; non-metal key rings (Int'l Class: 21) domestic kitchen and bar utensils and containers, namely, trays, decanters, candle holders, tea light holders, taper holders, cookie and sweetie canisters for kitchen use, dishes, bowls, vases; perfume bottles sold empty; ice buckets; brushes, namely, hair brushes and make up brushes; combs; clothes brushes; corkscrews; bottle openers; flasks; housewares, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitcher and soup tureens; glassware, namely, glass	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			decanters, glass vases, beverage glassware, glass jugs, glass beverage stirrers, glass perfume bottles sold empty, glass bowls, glass ice buckets, glass tea light candle holders; beverageware; dinnerware; tableware, namely, non-electric candelabra, bowls, dishes, jugs, vases, serving trays; hollowware, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitchers and soup tureens; crystal, namely, photo frames, tea utensils, namely, pinch pots; candle holders, tea light holders, taper holders, dishes, light holders, ambiray trays, namely, serving trays; porcelain figurines, plaques, candle sticks, mugs, jugs, ornaments, sculptures, statues, bowls, dishes, and plates; china, namely, domestic kitchen utensils, namely, kitchen ladles, pouring and straining spouts, spoon rests, napkin holders, napkin rings, place name holders, jelly moulds, cupcake wraps, cake stands, porcelain cake toppers, cake turntables in the nature of lazy susans, pie vents and funnels, oil drizzlers, vinegar drizzlers, garlic roasters, fondue sets, namely, fondue pots without a heat source, fondue forks, and fondue pot stands, ice cream scoops, citrus squeezers, citrus reamers, banana trees, mug trees, salad servers, salt pots, pepper pots, pepper mills, mussel servers; earthenware, namely, domestic kitchen bowls, teapots coffee	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			pots, vases, perfume bottles sold empty, jugs, mugs, dishes, plates, vases; and earthenware bowls, dishes, plates, candle accessories, namely, tea light holders; china and porcelain figurines; china, porcelain, glass and crystal ornaments; china, porcelain, and glass sculptures; china porcelain and glass statues, jugs, mugs, and tea light candle holders; salvers, namely, trays; powder compacts sold empty; articles made of precious metals or coated or plated therewith, namely, bowls, decanters, dishes, jugs, mugs, napkin rings, ice buckets, canisters for kitchen use, egg cups; articles made of precious metals or coated or plated therewith, namely, tea light candle holders, candle sticks, non-electric candelabra, serving trays, corkscrews, hipflasks, and bottle openers (Int'l Class: 35) retail store, online retail store, and mail order services in the fields of jewelry, precious stones, articles made of or coated with precious metals, housewares, home furnishings, dinnerware, tableware, beverage ware, glassware, hollowware, crystal, china, cutlery, horological and chronometric instruments, leather goods, bags, grooming aids, giftware, and gift items; customer rewards programs, namely, arranging and conducting incentive reward programs to promote the sale of jewelry, precious stones, articles made of or coated with precious metals, housewares, home furnishings, dinnerware, tableware, beverage ware, glassware, hollowware, crystal, china, cutlery precious metals, housewares, home furnishings, dinnerware, tableware, beverage ware, glassware, hollowware, crystal, china, cutlery, horological and	

Ex. No.	Mark	Reg./Ser. No., Reg./Filing Date, Filing Basis	Goods/Services	Owner
			chronometric instruments, leather goods, bags, grooming aids, giftware, and gift items; customer loyalty services, for commercial, promotional and/or advertising purposes	
23	MAPPIN PLATE	RN: 1270685 Cancelled 12/25/2004	(Int'l Class: 14) tea and coffee services comprising coffee pots and teapots; creamers; sugar bowls; hot water jugs; condiment sets; tureens; serving dishes; kettles and stands; trays; sauce boats; candlesticks and snuffers; toast racks; cocktail shakers; decanters; brandy warmers; ice pails and stands; goblets; wine cradles; cake stands; containers for pastries and bakery goods; butter dishes; salvers; napkin rings; egg stands; vases; tea strainers; preserve jars; ashtrays; cigarette boxes; all the foregoing of electroplated silver	Mappin & Webb Limited

9. Attached as Exhibits 24-29 are true and correct copies of website printouts showing use in commerce of the above-referenced third-party registrations and pending applications for marks including the "WEBB" surname in International Classes 14, 18, and/or 25. Each exhibit displays the URL and date on which I accessed the website shown. The following chart summarizes these exhibits and identifies each by exhibit number, mark, registration or serial number, and URL for each website printout.

Ex. No.	Mark(s)	Reg./Ser. No.,	URL
24	CORNELIA WEBB	RN: 4333275	<corneliawebb.com></corneliawebb.com>

Ex. No.	Mark(s)	Reg./Ser. No.,	URL
25	DAVID WEBB & Design ; DAVID WEBB; DAVID WEBB NEW YORK & Design DAVID WEBB ; WEBB	RN: 4089876 SN: 86382005 RN: 4089875 SN: 86381987 SN: 86354460	<davidwebb.com collections="" gdom="" kin="" shop=""></davidwebb.com>
26	GARDNER-WEBB UNIVERSITY; GARDNER-WEBB UNIVERSITY PRO DEO ET HUMANITATE 1905 BOILING SPRINGS, N.C. & Design	RN: 3460242 RN: 2443998	<gardner-webb.edu></gardner-webb.edu>
27	THE WEBB ELLIS CUP	RN: 4654656	<rwcshop.com webb-ellis-cup-<br="">collection></rwcshop.com>
28	WEBB ELLIS & Design webb ellis	RN: 3435362	<webb-ellis.co.uk></webb-ellis.co.uk>
29	WEBB & SCOTT CO. & Design webbascott co.	RN: 3950102	<migor.it webbscott&id="1&lang=<br">en_US></migor.it>

10. Attached as Exhibits 30 and 31 are true and correct copies from TSDR records of the Section 8 & 9 Declaration showing use in commerce of the WEBB C BALL mark (Registration No. 2967778), as well as the corresponding Notice of Acceptance and Registration Renewal issued by the PTO on February 24, 2015.

11. Attached as Exhibits 32-55 are true and correct copies of website printouts showing various third-party companies included on the 2015 *Fortune* 500 companies list (publicly available at <fortune.com/fortune500>), whose names consist of compound surnames that have been shortened or abbreviated to the first word or the fist initials of each word, either by the companies themselves or by the general public, and which have otherwise not been submitted by Opposer into evidence. Each exhibit displays the URL and date on which I accessed the website shown. The following chart summarizes these exhibits by exhibit number, full company name as reported in *Forbes*, and abbreviation.

Ex. No.	Full Name	Abbreviation
32-33	Berkshire Hathaway	Berkshire
34	Fannie Mae, Freddie Mac	Fannie, Freddie
35	Wells Fargo	Wells
36	Archer Daniels Midland	ADM
37	Johnson & Johnson	J&J
38	ConocoPhillips	Conoco
39	Lockheed Martin	Lockheed
40	Goldman Sachs Group	Goldman
41	Northrop Grumman	Northrop
42	Kimberly-Clark	K-C
43	Colgate-Palmolive	Colgate
44-45	Kinder Morgan	KM, Kinder
46	Bristol-Myers Squibb	Bristol-Myers
47	Parker-Hannifin	Parker

48	Marsh & McLennan	Marsh
49	Owens & Minor	OM
50	Becton Dickinson	BD
51	BorgWarner	Borg
52	Harley-Davidson	Harley, H-D
53	Booz Allen Hamilton	Booz Allen
54	Jones Lang Lasalle	JLL
55	McGraw Hill Financial	MHFI

12. Attached as Exhibits 56-66 are true and correct copies of website printouts showing various third-party fashion brands whose marks consist of two words separated by an ampersand ("&") or the word "and," and which have been shortened or abbreviated to the first word or the first initials of each word, either by the companies themselves or by the general public. Each exhibit displays the URL and date on which I accessed the website shown. The following chart summarizes these exhibits by exhibit number, full brand name, and abbreviation.

Ex. No.	Full Name	Abbreviation
56-58	Abercrombie & Fitch	Abercrombie, A&F
59	Cutter & Buck	СВ
60-62	Dolce & Gabbana	Dolce, DG, D&G
63	Matt & Nat	MN
64	Stella & Bow	SB
65	Noose & Monkey	N&M
66	Scaramouche & Fandango	S&F

13. Attached as Exhibits 67-83 are true and correct copies of website printouts showing various third-party fashion designers whose brands have been shortened or abbreviated to the designer's surname, either by the designers (or their companies) themselves or by the general public. Each exhibit displays the URL and date on which I accessed the website shown. The following chart summarizes these exhibits by exhibit number, full designer name, and

abbreviation.

Ex. No.	Full Name	Abbreviation	
67-68	Nicole Farhi	Farhi	
69-70	Alexander McQueen	McQ	
71-72	Pierre Balmain	Balmain	
73-74	Ralph Lauren	Lauren	
75	Christian Dior	Dior	
76-77	Hubert de Givenchi	Givenchi	
78-79	Giorgio Armani	Armani	
80-81	Christian Louboutin	Louboutin	
82	Guccio Gucci	Gucci	
83	Miuccia Prada	Prada	

- 14. Attached as Exhibit 84 is a true and correct copy of a document bates labeled MappinWebb0000301, which was produced by Opposer in response to Applicant's First Set of Requests for Production in the course of discovery in this proceeding. The document illustrates the use of solely the surname "Mappin" to identify Opposer through the following language: "Mappin's solve [sic] your gift problems . . . beautifully!"
- 15. Opposer has claimed a connection between its goods and the Princess of Monaco Grace Kelly. (Opposer's Main ACR Brief [Doc. 22] at 5.) Attached as Exhibit 85 is a true and correct copy of the website printout showing the obituary of Princess of Monaco Grace Kelly published in The New York Times on September 15, 1982, reflecting that she has been deceased I website for over thirty (30)years. accessed the shown. <nytimes.com/1982/09/15/world/princess-grace-is-dead-after-riviera-carcrash.html?pagewanted=3>, in July 2015, and the URL and access date are displayed on the attached exhibit.
 - 16. Attached as Exhibit 86 is a true and correct of the non-precedential Trademark

Trial and Appeal Board decision for *Reidl Uhrengrosshandels-Gesellschaft M.B.H. v. Viva Time Corp.*, Serial No. 74/542,908, 1999 WL 590698 (TTAB July 30, 1999), which I printed from the WestlawNext database on July 31, 2015.

17. Attached as Exhibit 87 is a true and correct copy of the website printout for the Company Information page of Heathrow Airport Holdings Limited (formerly BAA). I accessed the website shown, heathrow.com/company-news-and-information/company-information#, in July 2015, and the URL and access date are displayed on the attached exhibit.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing statements are true and correct to the best of my knowledge.

Executed in Dallas, Texas on the 31st day of July, 2015.

DAVID J. DIAMOND

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2015, the foregoing document was served upon Opposer through its attorney of record, Douglas A. Rettew, via U.S. Mail, postage prepaid, to the following address:

Douglas A. Rettew Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, NW Washington, D.C. 20001-4413

Molly Buck Richard

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 1



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sun Jul 12 03:20:57 EDT 2015

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG Воттом

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR ASSIGN Status **TTAB Status**

(Use the "Back" button of the Internet Browser to

return to TESS)

MARISSA WEBB

Word Mark MARISSA WEBB

Goods and Services

IC 014. US 002 027 028 050. G & S: Women's accessories, namely, jewelry

IC 018. US 001 002 003 022 041. G & S: Handbags, purses, wallets, tote bags

IC 025. US 022 039. G & S: Women's apparel and accessories, namely, shirts, t-shirts, pants, dresses, skirts, shorts, jackets, coats, sweaters, lingerie, pajamas, robes, socks, hosiery, scarves, gloves, hats,

belts and footwear

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Serial Number 85542114

Filing Date February 14, 2012

Current Basis Original Filing

Basis

Code

1B

Published for Opposition

October 16, 2012

Date Amended

to Current

August 20, 2012

Register

International

Registration

1134476

Number

Owner (APPLICANT) M Webb, LLC LIMITED LIABILITY COMPANY NEW YORK Floor Three 56 East 13th

Street New York NEW YORK 10003

7/12/2015

Attorney of Record Molly Buck Richard

Type of Mark TRADEMARK Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark identifies "MARISSA WEBB", whose

consent(s) to register is made of record.

Live/Dead Indicator

LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP

| HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY

Generated on: This page was generated by TSDR on 2015-07-12 15:41:45 EDT

Mark: MARISSA WEBB

MARISSA WEBB

US Serial Number: 85542114 Application Filing Date: Feb. 14, 2012

Register: Principal

Mark Type: Trademark

Amended to Principal Yes Date Amended to Current Aug. 20, 2012

Register: Register:

Status: A fifth request for extension of time to file a Statement of Use has been granted.

Status Date: Jun. 10, 2015

Publication Date: Oct. 16, 2012 Notice of Allowance Date: Dec. 11, 2012

Mark Information

Mark Literal Elements: MARISSA WEBB

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies "MARISSA WEBB", whose consent(s) to register is made of

record

Related Properties Information

International Registration 1134476

Number:

International A0031545/1134476

Application(s)
/Registration(s) Based on this Property:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Women's accessories, namely, jewelry

International Class(es): 014 - Primary Class U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(b)

For: Handbags, purses, wallets, tote bags

International Class(es): 018 - Primary Class U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Women's apparel and accessories, namely, shirts, t-shirts, pants, dresses, skirts, shorts, jackets, coats, sweaters, lingerie, pajamas,

robes, socks, hosiery, scarves, gloves, hats, belts and footwear

International Class(es): 025 - Primary Class U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No Currently Use: No Amended Use: No Filed ITU: Yes Currently ITU: Yes Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No

Current Owner(s) Information

Owner Name: M Webb, LLC
Owner Address: Floor Three

56 East 13th Street New York, NEW YORK 10003

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where NEW YORK

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Molly Buck Richard Docket Number: WEBB-0001

Attorney Primary Email clarissa@richardlawgroup.com
 Address: Authorized:

Correspondent

Correspondent MOLLY BUCK RICHARD
Name/Address: RICHARD LAW GROUP
8411 PRESTON RD STE 890
DALLAS, TEXAS 75225-5500
UNITED STATES

Phone: 214-206-4300 **Fax:** 214-206-4330

Correspondent e-mail: clarissa@richardlawgroup.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 11, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 10, 2015	EXTENSION 5 GRANTED	66530
Jun. 05, 2015	EXTENSION 5 FILED	66530
Jun. 05, 2015	TEAS EXTENSION RECEIVED	
Dec. 13, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 12, 2014	EXTENSION 4 GRANTED	66530
Dec. 09, 2014	EXTENSION 4 FILED	66530
Dec. 09, 2014	TEAS EXTENSION RECEIVED	
Jun. 14, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 13, 2014	EXTENSION 3 GRANTED	66530
Jun. 10, 2014	EXTENSION 3 FILED	66530
Jun. 10, 2014	TEAS EXTENSION RECEIVED	
Jan. 29, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 28, 2014	EXTENSION 2 GRANTED	66530
Dec. 09, 2013	EXTENSION 2 FILED	66530
Jan. 24, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 09, 2013	TEAS EXTENSION RECEIVED	
Jun. 12, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 10, 2013	EXTENSION 1 GRANTED	98765
Jun. 10, 2013	EXTENSION 1 FILED	98765
Jun. 10, 2013	TEAS EXTENSION RECEIVED	
Dec. 11, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 16, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 16, 2012	PUBLISHED FOR OPPOSITION	
Sep. 26, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Sep. 10, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Sep. 04, 2012	ASSIGNED TO LIE	70138
Aug. 22, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 22, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 21, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 21, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 26, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 26, 2012	NON-FINAL ACTION E-MAILED	6325
May 26, 2012	NON-FINAL ACTION WRITTEN	77979
May 25, 2012	ASSIGNED TO EXAMINER	77979
Feb. 21, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 20, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SNYDER, NELSON B Law Office Assigned: LAW OFFICE 107

File Location

Current Location: INTENT TO USE SECTION Date in Location: Jan. 24, 2014

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 2



United States Patent and Trademark Office

Home Site Index Search FAQ Glossary Guides Contacts eBusiness eBiz alerts News Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sun Jul 12 03:20:57 EDT 2015

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG Воттом

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR **ASSIGN Status**

TTAB Status

(Use the "Back" button of the Internet Browser to

return to TESS)

M WEBB

Word Mark

M WEBB

Goods and

Services

IC 018. US 001 002 003 022 041. G & S: Handbags, purses, wallets, tote bags

IC 025. US 022 039. G & S: Women's apparel and accessories, namely, shirts, t-shirts, pants, dresses, skirts, shorts, jackets, coats, sweaters, lingerie, pajamas, robes, socks, hosiery, scarves, gloves, hats,

belts and footwear

Standard Characters Claimed

Mark

Drawing (4) STANDARD CHARACTER MARK

Code

Serial

85460569

Number

October 31, 2011

Current

1B

Basis

Original

Filing Date

1B

Filing Basis

Published

for

May 14, 2013

Opposition

(APPLICANT) M Webb, LLC LIMITED LIABILITY COMPANY NEW YORK Floor Three 56 East 13th Owner

Street New York NEW YORK 10003

Attorney of

Record

Molly Buck Richard

Type of Mark TRADEMARK

Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark identifies Marissa "Webb", whose

consent(s) to register is made of record.

Live/Dead Indicator

LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP

|.HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

Generated on: This page was generated by TSDR on 2015-07-12 15:46:20 EDT

Mark: M WEBB

M WEBB

US Serial Number: 85460569 Application Filing Date: Oct. 31, 2011

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the

Trademark Trial and Appeal Board web page.

Status Date: Nov. 11, 2013

Publication Date: May 14, 2013

Mark Information

Mark Literal Elements: M WEBB

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Marissa "Webb", whose consent(s) to register is made of

record.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Handbags, purses, wallets, tote bags

International Class(es): 018 - Primary Class U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Women's apparel and accessories, namely, shirts, t-shirts, pants, dresses, skirts, shorts, jackets, coats, sweaters, lingerie, pajamas,

robes, socks, hosiery, scarves, gloves, hats, belts and footwear

International Class(es): 025 - Primary Class U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

 Filed Use:
 No
 Currently Use:
 No
 Amended Use:
 No

 Filed ITU:
 Yes
 Currently ITU:
 Yes
 Amended ITU:
 No

 Filed 44D:
 No
 Currently 44D:
 No
 Amended 44D:
 No

 Filed 44E:
 No
 Amended 44E:
 No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: M Webb, LLC
Owner Address: Floor Three

56 East 13th Street New York, NEW YORK 10003

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where NEW YORK

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Molly Buck Richard Docket Number: WEBB-0001

Attorney Primary Email clarissa@richardlawgroup.com
Address: Authorized: Attorney Email Yes
Authorized:

Correspondent

Correspondent MOLLY BUCK RICHARD Name/Address: RICHARD LAW GROUP

RICHARD LAW GROU 8411 PRESTON RD

STE 890

DALLAS, TEXAS 75225-5500

UNITED STATES

Phone: 214-206-4300 Fax: 214-206-4330

Correspondent e-mail: clarissa@richardlawgroup.com Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 11, 2013	OPPOSITION INSTITUTED NO. 999999	213413
Jun. 12, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 14, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2013	PUBLISHED FOR OPPOSITION	
Apr. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 10, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Apr. 09, 2013	ASSIGNED TO LIE	77312
Apr. 05, 2013	ASSIGNED TO LIE	66179
Apr. 05, 2013	ASSIGNED TO LIE	73296
Mar. 28, 2013	ASSIGNED TO LIE	66179
Mar. 25, 2013	ASSIGNED TO LIE	77312
Mar. 11, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 18, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 13, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 13, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 13, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 13, 2012	NON-FINAL ACTION E-MAILED	6325
Sep. 13, 2012	NON-FINAL ACTION WRITTEN	78366
Aug. 22, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 21, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 21, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 24, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 24, 2012	NON-FINAL ACTION E-MAILED	6325
Feb. 24, 2012	NON-FINAL ACTION WRITTEN	78366
Feb. 16, 2012	ASSIGNED TO EXAMINER	78366
Nov. 03, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 03, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM S	Staff	Infor	mation
------	-------	-------	--------

TM Attorney: FARRELL, ANNE M Law Office Assigned: LAW OFFICE 118

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Apr. 10, 2013

Proceedings

Summary

Number of Proceedings: 2

Associated marks

22

23

Type of Proceeding: Opposition

 Proceeding Number:
 91213413
 Filing Date:
 Nov 11, 2013

 Status:
 Pending
 Status Date:
 Nov 11, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: M Webb, LLC

Correspondent Address: MOLLY BUCK RICHARD

RICHARD LAW GROUP 8411 PRESTON RD, STE 890 DALLAS TX , 75225-5500 UNITED STATES

Correspondent e-mail: molly@richardlawgroup.com

Associated marks		
Mark	Application Status	Serial Registration Number Number
M WEBB	Opposition Pending	<u>85460569</u>
	Plaintiff(s)	

Name: Mappin & Webb Limited

Correspondent Address: DOUGLAS A RETTEW

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

901 NEW YORK AVENUE NW WASHINGTON DC , 20001-4413

UNITED STATES

P FINAL BRIEF: TM RULE 2.128

PAPER RECEIVED AT TTAB

 $\textbf{Correspondent e-mail:} \ \ \underline{docketing@finnegan.com\ ,\ } \underline{doug.rettew@finnegan.com\ ,\ } \underline{nna.naydonov@finnegan.com\ ,\ } \underline{TTAB-Legal-Assistants@finnegan.com\ }$

Mark		Application St	atus	Serial Number	Registration Number
MAPPIN & WEB	В	Second Exter	sion - Granted	85350960	
MAPPIN & WEB	B LONDON :	Second Exter	sion - Granted	<u>85350965</u>	
		Prosecution	n History		
Entry Number	History Text		Date	Due Date	
1	FILED AND FEE		Nov 11, 2013		
2	NOTICE AND TRIAL DATES SENT; ANSWER D	DUE:	Nov 11, 2013	Dec 21, 2013	
3	PENDING, INSTITUTED		Nov 11, 2013		
4	ANSWER		Nov 25, 2013		
5	STIPULATED PROTECTIVE ORDER		Apr 16, 2014		
6	STIP NOTED AND APPROVED		May 02, 2014		
7	CHANGE OF CORRESP ADDRESS		Jun 24, 2014		
8	STIP FOR EXT		Aug 15, 2014		
9	EXTENSION OF TIME GRANTED		Aug 15, 2014		
10	STIP FOR EXT		Nov 03, 2014		
11	EXTENSION OF TIME GRANTED		Nov 03, 2014		
12	STIP FOR EXT		Nov 26, 2014		
13	EXTENSION OF TIME GRANTED		Nov 26, 2014		
14	STIP FOR EXT		Jan 06, 2015		
15	EXTENSION OF TIME GRANTED		Jan 06, 2015		
16	STIPULATION FOR ACR		Apr 27, 2015		
17	FACTUAL STIPULATION FOR ACR		Apr 27, 2015		
18	STIP NOTED AND APPROVED		Jun 04, 2015		
19	Confidential Brief on Merits for Plaintiff		Jun 26, 2015		
20	Other Motions/Papers		Jun 26, 2015		
21	Other Motions/Papers		Jun 26, 2015		

Jun 26, 2015

Jun 26, 2015

 24
 PAPER RECEIVED AT TTAB
 Jun 26, 2015

 25
 PAPER RECEIVED AT TTAB
 Jun 26, 2015

 26
 PAPER RECEIVED AT TTAB
 Jun 26, 2015

Type of Proceeding: Extension of Time

Proceeding Number: 85460569 Filing Date: Jun 12, 2013

Status: Terminated Status Date: Nov 11, 2013

Interlocutory Attorney:

Defendant

Name: M Webb, LLC

Correspondent Address: MOLLY BUCK RICHARD

RICHARD LAW GROUP 8411 PRESTON RD STE 890 DALLAS TX , 75225-5500 UNITED STATES

Associated marks		
Mark	Application Status	Serial Registration Number Number
M WEBB	Opposition Pending	<u>85460569</u>
	Potential Opposer(s)	

Name: Mappin & Webb Limited

Correspondent Address: Douglas A. Rettew

Finnegan Henderson Farabow Garrett & Dunner, LLP

901 New York Avenue, NW Washington DC , 20001 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{docketing@finnegan.com\ ,\ doug.rettew@finnegan.com\ ,\ whitney.cooke@finnegan.com\ ,\ \underline{iudy.valusek@finnegan.com\ ,\ jacob.mersing}$

@finnegan.com

Associated ma	rks				
Mark		Application Status	Serial Number	Registration Number	
Prosecution History					
Entry Number	History Text	Date		Due Date	
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 12, 2013			
2	EXTENSION OF TIME GRANTED	Jun 12, 2013			
3	INCOMING - EXT TIME TO OPPOSE FILED	Sep 11, 2013			
4	EXTENSION OF TIME GRANTED	Sep 11, 2013			

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAPPIN & WEBB, LIMITED,

Opposer

Оррозс

٧.

M WEBB, LLC

Applicant.

Opposition No. 91213413

Serial No. 85/460,569 Mark: M WEBB

OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Mappin & Webb, Limited ("Opposer") responds to M Webb, LLC's ("Applicant") First Set of Interrogatories.

GENERAL OBJECTIONS

In the interest of clarity and brevity, Opposer sets forth the following general objections.

These objections apply to each of the specific interrogatories, unless the context clearly indicates otherwise. All subsequent responses are subject to and limited by these objections.

- 1. Opposer objects to Applicant's Definitions to the extent they seek to impose obligations on Opposer greater than those required under the Federal Rules of Civil Procedure and the Trademark Trial and Appeal Board Manual of Procedure ("TBMP").
- 2. Opposer objects to the interrogatories to the extent they seek information falling within the scope of the attorney-client and/or work-product privileges, or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives concerning the pending action. Opposer further objects to the interrogatories to the extent that they seek information that is privileged or otherwise protected

from disclosure. Inadvertent production or disclosure of any such information shall not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such information, any other information, any related documents, or the subject matter thereof.

Nor shall inadvertent production or disclosure waive Opposer's right to object to the use of any such information or related documents during this action or in any subsequent proceeding.

- 3. Opposer objects to the interrogatories to the extent they seek (a) information unavailable to Opposer; (b) information in the public domain and equally available to Applicant or its counsel; and/or (c) information already within Applicant's or its counsel's knowledge, possession, custody, or control.
- 4. Opposer objects to the interrogatories to the extent that they purport to require Opposer to conduct discovery of or to investigate third parties, or to reply on behalf of persons or corporations over whom Opposer exercises no control or on whose behalf Opposer has no authority to respond.
- 5. Opposer objects to the interrogatories to the extent that they seek information that is the subject of a confidentiality agreement or an ethical obligation that requires Opposer to maintain such information in confidence.
- 6. Opposer objects to Applicant's interrogatories to the extent that they seek to impose obligations to produce documents or things in a manner not provided by the Federal Rules of Civil Procedure.
- 7. Opposer objects to Applicant's interrogatories to the extent that they are duplicative of other interrogatories.

- 8. Opposer objects to the interrogatories to the extent that they seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
- 9. Opposer objects to the interrogatories to the extent they prematurely seek identification or designation of witnesses or exhibits for trial.
- 10. Opposer objects to the interrogatories to the extent they are vague, ambiguous, confusing, overbroad, oppressive, and/or unduly burdensome.
- 11. Opposer objects to the interrogatories to the extent they call for information and/or documents relating to foreign activities that are irrelevant to this proceeding.
- 12. Opposer's representation that it will produce responsive, relevant, and non-privileged documents and things does not necessarily mean that responsive, relevant, and non-privileged documents and things exist.
- 13. To the extent specific general objections are cited to responses, those citations are provided because they are believed to be particularly applicable to the interrogatory and are not to be construed as a waiver of any other general objection applicable to information and/or documents falling within the scope of the interrogatory. Moreover, the production of any non-relevant information or documents, whether or not in response to any interrogatories, is not to be construed as a waiver of a claim of irrelevancy.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1:

Describe in detail all products and services which you have ever provided, offered for sale, or advertised, in connection with the mark MAPPIN & WEBB or the mark MAPPIN & WEBB LONDON in the United States and for each product or service:

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- (a) Identify the particular mark used in connection with such good or service;
- (b) State the time periods which you provided, advertised, or offered such product or service, by state or other geographic region, including date of first use and any discontinuities of such use;
- (c) State the actual gross income in dollars and units, on an annual basis, of the product or service in each state or geographic region; and
- (d) State the actual annual advertising or promotional expenditure for the product or service in each state or geographic region.

RESPONSE TO INTERROGATORY NO. 1:

Opposer objects to this request to the extent that it seeks to impose on Opposer obligations greater than those required by the Federal Rules of Civil Procedure to the extent it requires Opposer to provide "actual gross income" and "actual annual advertising or promotional expenditure" for the each product and service "in each state or geographic region." Opposer does not maintain its records in this manner in the ordinary course of its business, and, accordingly, cannot provide the information requested.

Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows. U.S. customers may view Opposer's products, including but not limited to jewelry, watches, silverware, cutlery, barware, and other gift items, on Opposer's website and contact the Mappin & Webb showroom in the UK (via email or through the Customer Service number posted on Opposer's website for customers outside the UK, including the U.S.), where a representative will help a U.S. consumer complete the purchase of the item seen on Opposer's website. Documents reflecting Opposer's products available on the website

www.mappinandwebb.com will be produced in accordance with Federal Rule of Civil Procedure 33(d).

Opposer does not yet have any brick-and-mortar stores in the United States, but has met (and continues to meet with) representatives from Bloomingdales, Bergdorf Goodman, Neiman Marcus, and Macy's to discuss plans for Opposer's MAPPIN & WEBB products in the U.S. Opposer hopes to enter the U.S. market within the next 12 months.

Opposer has shipped products under the MAPPIN & WEBB mark to customers located in the U.S. following customer inquiries. For example, earlier this year, Opposer received inquiries from customers located in the U.S. regarding the MAPPIN & WEBB "Fortune" pendant worn by Katherine, Duchess of York. At least one of these customers purchased the "Fortune" pendant, which Opposer shipped to the U.S.

INTERROGATORY NO. 2:

Describe in detail how you provide or offer for sale each of the products and services identified in your response to Interrogatory No. 1, including all channels of trade.

RESPONSE TO INTERROGATORY NO. 2:

Subject to and without waiving the above general and specific objections, Opposer responds as follows. Opposer offers its products and services and promotes the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks through its brick-and-mortar stores, located in high-traffic tourist (including U.S. tourist) areas in the UK, including Regent Street, Bond Street, and Fenchurch Street locations in London. Opposer also has brick-and-mortar store locations in the cities of Guildford, Cambridge, Chester, Manchester, Bluewater, Glasgow, St. Andrews, Gleneagles, and Guernsey—a Channel Island and major tourist destination. Opposer also offers

its products and promotes the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks via wholesale at 13 Goldsmiths stores across the UK.

Opposer also has operated store locations in Terminals 3 and 4 at London's Heathrow International Airport, one of the busiest airports in the world, and currently has a store location in Terminal 5, which opened in March 2008. Each of Opposer's Heathrow International Airport locations prominently displayed/displays Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON marks. Day in and day out, many U.S. tourists encounter these stores and marks while travelling through Heathrow.

Opposer also provides and promotes its products and services under the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks through its website, located at www.mappinandwebb.com; direct mail; and corporate services to corporate clients, including the British Military, Royal Warrant Holders, Ascot, and the Royal Household. Further, Opposer hosts specialized client events, as well as customer shopping events.

INTERROGATORY NO. 3:

Describe in detail the manner in which you advertise and promote each of the products and services identified in your response to Interrogatory No. 1.

RESPONSE TO INTERROGATORY NO. 3:

Subject to and without waiving the above general objections, Opposer responds as follows. Opposer promotes the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks on signage at all of the brick-and-mortar stores listed in response to Interrogatory No. 2; on its website, located at www.mappinandwebb.com; and on product packaging, including for example bags and watch and jewelry boxes.

Opposer advertises the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks in national UK national magazine titles, including *Vogue*, *Harper's Bazaar*, *Tatler*, and *Vanity Fair* (which also circulate in the United States), in addition to regional titles such as *The Run Wild Group* and national and regional newspapers in the UK. Copies of some advertisements placed in these publications, circulation figures for same, and Opposer's media schedules (describing advertisements placed in 2014) will be produced in accordance with Federal Rule of Civil Procedure 33(d).

Opposer further promotes the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks via social media. Specifically, Opposer promotes its marks, products and services via its Facebook page, located at https://www.facebook.com/mappinandwebb, and its Twitter account, located at https://twitter.com/Mappin_and_Webb.

In 2013-2014, Opposer hosted a number promotional events featuring the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks that attract U.S. visitors, including the *Ryder Cup*, *Vogue's Fashion Night Out*, *Buckingham Palace Coronation Festival*, *Royal Ascot*, the *Household Division Dinner*, and the *Royal Warrant Holders Dinner*.

As discussed in response to Interrogatory No. 2, Opposer also provides and promotes its products and services under the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks through its website, located at www.mappinandwebb.com; direct mail; and corporate services to corporate clients, including the British Military, Royal Warrant Holders, Ascot, and the Royal Household. Opposer also hosts specialized client events, as well as customer shopping events to promote itself, its marks, and its various products.

INTERROGATORY NO. 4:

Describe in detail the characteristics of your customers for each of the products or services identified in your response to Interrogatory No. 1.

RESPONSE TO INTERROGATORY NO. 4:

Opposer objects to this interrogatory on the ground that the term "characteristics of customers" is vague, ambiguous, and undefined. For purposes of its response, Opposer construes "characteristics of customers" to mean demographic information about Opposer's customers, including but not limited to age, gender, and household income.

Subject to and without waiving the above general and specific objections, Opposer responds as follows. Opposer promotes its products, including, but not limited to jewelry, watches, silverware, and other gift items, to both male and female customers across a wide age range, specifically, from customers in their late 20s to late 50s. Opposer's customers are often educated professionals who are chic, brand-aware consumers. These customers purchase Opposer's products throughout their lifetimes, both for themselves and as gifts to others.

INTERROGATORY NO. 5:

For each of the products and services identified in your response to Interrogatory No. 1, identify the persons most knowledgeable regarding your advertising or promotion of such products or service (including any outside consultant or agencies) and describe with particularity the contribution of each such person.

RESPONSE TO INTERROGATORY NO. 5:

Subject to and without waiving the above general objections, Opposer responds as follows. Elizabeth Galton, Brand Director, (Mappin & Webb) Aurum Group Ltd., has personal

knowledge of Opposer's use of the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks, public recognition of Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON marks in the U.S., and Opposer's plans to offer its products and services in the U.S. under the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks. In addition to Ms. Galton, Brian Duffy and Ruth Benford are Directors at (Mappin & Webb) Aurum Group Ltd. who have met (and continue to meet) with U.S. retailers, including Neiman Marcus, Bergdorf Goodman, Bloomingdales, and Macy's, to discuss plans to offer products under the MAPPIN & WEBB and MAPPIN & WEBB LONDON marks in the U.S. Brian Duffy and Elizabeth Galton are scheduled to meet with representatives from Neiman Marcus, among the other retailers listed above, the week of October 6, 2014. Documents reflecting Opposer's meetings with U.S. retailers will be produced in accordance with Federal Rule of Civil Procedure 33(d).

INTERROGATORY NO. 6:

Identify and describe all instances of actual consumer confusion or potential consumer confusion, of which Opposer is aware, between any of Opposer's Marks and Applicant's Marks or between Opposer and Applicant.

RESPONSE TO INTERROGATORY NO. 6:

Opposer objects to this interrogatory to the extent that it requests information not within Opposer's possession, custody, or control, i.e., instances or occurrences of actual confusion between Opposer and Applicant that have not been reported to Opposer.

Subject to and without waiving the foregoing general and specific objections, Opposer responds as follows. Opposer is not aware of any instances of actual confusion between itself and Applicant, or any of Opposer's Marks and Applicant's Marks at this time.

INTERROGATORY NO. 7:

Identify and describe all products that you have ever provided, offered for sale, or advertised that could be listed under "handbags, purses, wallets, totebags" in International Class 18 and "women's apparel and accessories, namely shirts, t-shirts, pants, dresses, skirts, shorts, jackets, coats, sweaters, lingerie, pajamas, robes, socks, hosiery, scarves, gloves, hats, belts and footwear" in Class 25 in the United States and for each such product, identify the dates when such products were offered for sale, the stores where they were offered, and the manner in which they were offered for sale.

RESPONSE TO INTERROGATORY NO. 7:

Subject to and without waiving the above general and specific objections, Opposer responds as follows. As described in Paragraph 5 of the Notice of Opposition, Opposer has provided, offered for sale, or advertised its Lizard Kelly handbag, which could be listed under "handbags, purses, wallets, totebags" in Class 18. Opposer has not offered "women's apparel and accessories, namely shirts, t-shirts, pants, dresses, skirts, shorts, jackets, coats, sweaters, lingerie, pajamas, robes, socks, hosiery, scarves, gloves, hats, belts and footwear" in Class 25 in the United States to date. Opposer is currently sampling designs for a new small leather goods collection which will launch in the UK in 2015, and will be part of Opposer's product offering in the U.S. once Opposer launches there.

INTERROGATORY NO. 8:

For any and all Requests for Admission that you did not admit in its entirety, state all facts which form the basis for your denial or failure to admit such Request and identify any and all documents which support your responses.

Opposer's Objections and Responses to Applicant's First Set of Interrogatorics

RESPONSE TO INTERROGATORY NO. 8:

Subject to and without waiving the above general objections, Opposer provides the basis for its denial or failure to admit a request in its entirety in its responses to Applicant's Requests for Admission.

Additionally, any and all relevant, non-privileged documents that support Opposer's responses to Applicant's Requests for Admission will be produced in due course.

Date: October 7, 2014

Douglas A. Rettew

Whitney D. Cooke

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

901 New York Avenue, N.W.

Washington, DC 20001

Tel: (202) 408-4000 Fax: (202) 408-4400

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES was served on this 7th day of October via email and FedEx on counsel for Applicant at the following address of record:

MOLLY BUCK RICHARD RICHARD LAW GROUP 8411 PRESTON RD, STE 890 DALLAS, TX 75225-5500

> /Pamela Neal/ Litigation Clerk

VERIFICATION

I, Elizabeth Galton, Creative Director (Mappin & Webb Jewellery and Gift), states that she has read the above responses; that the responses were prepared with the assistance and information of others upon whom she has relied; that the responses, subject to inadvertent or undiscovered errors, are based on and are therefore necessarily limited by the record and information still in existence, presently recollected, and thus far discovered in the course of the preparation of the responses; that consequently she reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made in those responses or that more accurate information is available; that subject to those limitations, the responses are true to the best of her knowledge, information, and belief.

ELIZABETH GALTON

DIRECTOR

AURUM GROUP LIMITED

October 16, 2014

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAPPIN & WEBB, LIMITED,

Opposer

Opposition No. 91213413

Serial No. 85/460,569 Mark: M WEBB

M WEBB, LLC

V.

Applicant.

OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Mappin & Webb, Limited ("Opposer") responds to M Webb, LLC's ("Applicant") First Set of Requests for Production.

GENERAL OBJECTIONS

Opposer incorporates by reference its General Objections set forth in response to Applicant's First Set of Interrogatories to Opposer.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR PRODUCTION NO. 1:

All documents referring or relating to your advertising of any goods bearing the MAPPIN & WEBB mark in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "<u>all</u> documents referring or relating to your advertising of any goods bearing the MAPPIN & WEBB mark in the United States,"

(emphases added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer further objects to this request to the extent that it seeks information subject to attorney-client and attorney-work-product privileges or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 2:

All documents referring or relating to your sale of any goods bearing the MAPPIN & WEBB mark in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "<u>all</u> documents referring or relating to your sale of <u>any</u> goods bearing the MAPPIN & WEBB mark in the United States," (emphases added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer further objects to this request to the extent that it seeks information subject to attorney-client and attorney-work-product privileges or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 3:

All documents referring or relating to your first use of Opposer's Marks in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "<u>all</u> documents referring or relating to your first use of Opposer's Marks in the United States," (emphasis added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer also objects to this request to the extent that it seeks information subject to attorney-client and attorney-work-product privileges or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 4:

Samples of advertising of any goods bearing the MAPPIN & WEBB mark which have been distributed in the United States in the past ten (10) years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "samples of advertising of any

goods bearing the MAPPIN & WEBB mark which have been distributed in the United States in the past ten (10) years," (emphasis added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 5:

All documents relating to Applicant and/or goods sold under the mark M WEBB received by you from any person not involved in this proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "all documents relating to Applicant and/or goods sold under the mark M WEBB received by you from any person not involved in this proceeding," (emphasis added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer objects to this request on the ground that the term "goods sold under the mark M WEBB" is vague, ambiguous, and undefined. For purposes of its response, Opposer construes "goods sold under the mark M WEBB" to mean the goods identified in Application Serial No. 85460569.

Opposer further objects on the same ground that the term "involved in this proceeding" is vague, ambiguous, and undefined. To the extent that Opposer's attorneys or other representatives are not considered to be "involved in this proceeding," Opposer objects to this request to the extent that it seeks information subject to attorney-client and attorney-work-

product privileges or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 6:

All documents concerning your advertising and promotion of the goods and services identified by Opposer's Marks in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "all documents concerning your advertising and promotion of the goods and services identified by Opposer's Marks in the United States," (emphasis added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer also objects to this request to the extent that it seeks information subject to attorney-client and attorney-work-product privileges or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 7:

Samples or photographs of any and all uses of the Opposer's Marks for goods in Classes 18 or 25 in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to your future plans for Opposer's Marks in the United States for each of the goods and services set forth in the applications identified in Paragraph 7 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "all documents relating to your future plans for Opposer's Marks in the United States for each of the goods and services set forth in the applications identified in Paragraph 7 of the Notice of Opposition," (emphasis added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer also objects to this request to the extent that it seeks information subject to attorney-client and attorney-work-product privileges or information containing or reflecting the mental impressions, conclusions, opinions, or legal theories of Opposer's attorneys or other representatives.

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 9:

All documents that relate to actual or perceived confusion as to a relationship, sponsorship, or affiliation between you and Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Opposer objects to this request on the ground that it is overly broad, unduly burdensome, and beyond the scope of discovery to the extent that it seeks "all documents that relate to actual or perceived confusion as to a relationship, sponsorship, or affiliation between you and Applicant," (emphasis added), which could include documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Opposer objects to this request on the ground that this request seeks documents outside its possession, custody, or control, namely, documents relating to incidents of actual confusion that have not been reported to Opposer. Opposer further objects to this request on the ground that the term "perceived confusion" is vague, ambiguous, and undefined. For purposes of its response, Opposer construes "perceived confusion" to be synonymous with "actual confusion."

Subject to and without waiving the above general and specific objections, Opposer is not currently aware of any responsive documents.

REQUEST FOR PRODUCTION NO. 10:

All documents identifying your customers or people who acquired goods from you on www.mappinandwebb.com located in the United States in the past five (5) years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Subject to and without waiving the above general and specific objections, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

Opposition No. 91213413 Opposer's Objections and Responses to Applicant's First Request for Production

REQUEST FOR PRODUCTION NO. 11:

All documents referred to or identified in your responses to the Applicant's Requests for Admissions and Applicant's First Set of Interrogatories to Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Subject to the above general objections, and any specific objections in its admissions responses, Opposer will produce relevant, responsive, non-privileged documents to the extent any such documents exist.

Date: October 7, 2014

Douglas A. Rettew

Whitney D. Cooke

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

901 New York Avenue, N.W.

Washington, DC 20001 Tel: (202) 408-4000

Fax: (202) 408-4400

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST REQUEST FOR PRODUCTION was served on this 7th day of October via email and FedEx on counsel for Applicant at the following address of record:

MOLLY BUCK RICHARD RICHARD LAW GROUP 8411 PRESTON RD, STE 890 DALLAS, TX 75225-5500

/Pamela Neal/
Litigation Clerk

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAPPIN & WEBB, LIMITED,

Opposer

Opposition No. 91213413

Serial No. 85/460,569 Mark: M WEBB

v.

M WEBB, LLC

Applicant.

OPPOSER'S OBJECTIONS AND RESPONSES TO

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Mappin & Webb, Limited ("Opposer") responds to M Webb, LLC's ("Applicant") First Request for Admissions.

APPLICANT'S FIRST REQUEST FOR ADMISSIONS

GENERAL OBJECTIONS

Opposer incorporates by reference its General Objections set forth in response to Applicant's First Set of Interrogatories to Opposer.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR ADMISSION NO. 1:

Opposer does not have any retail stores in the United States.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Admitted that Opposer does not have any brick-and-mortar retail stores in the United States.

REQUEST FOR ADMISSION NO. 2:

Opposer does not ship goods to the United States from its website at www.mappinandwebb.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Opposer objects to this request on the ground that it is vague and confusing as written.

Subject to the above general and specific objections, and to the extent Applicant's request can be understood, denied. As a multi-channel retailer, Opposer currently can ship goods shown on its website to consumers in the U.S., and fulfill such transactions via various methods. For example, U.S. consumers may access and peruse Opposer's products on its website, and may contact Mappin & Webb (via email or through the Customer Service number posted on Opposer's website for customers outside the UK, including the U.S.), where a representative will help a U.S. consumer complete his or her purchase. Opposer's website is not currently capable of automatically completing online transactions (including shipping) for consumers located in the U.S.

REQUEST FOR ADMISSION NO. 3:

Opposer has not sold any clothing under the mark MAPPIN & WEBB in the United States in the past five (5) years.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Admitted. As detailed in paragraph 7 of Opposer's Notice of Opposition, Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON applications do not cover "clothing."

REQUEST FOR ADMISSION NO. 4:

Opposer has not sold any handbags or leather goods under the mark MAPPIN & WEBB in the United States in the past five (5) years.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Opposer objects to this request on the ground that the term "handbags" is vague, ambiguous, and undefined. For purposes of its response, Opposer construes the term "handbags" to refer to small bags or purses held in the hand or hung from a shoulder strap and used for carrying small personal articles and money. Opposer further objects to this request on the ground that the term "leather goods" is vague, ambiguous, and undefined. For purposes of its response, Opposer defines "leather goods" as leather articles, such as mobile phone cases, measuring cups, wallets, credit card holders and calling card holders, luggage tags, purses, trunks and travelling bags, and articles made in part of leather, such as umbrellas, parasols and walking sticks, as listed in Classes 9 and 18 in Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON applications.

Subject to the above general and specific objections, and with respect to handbags, admitted. That said, Opposer is aware that its Lizard Kelly handbag, as described in Paragraph 5 of the Notice of Opposition, has been offered on eBay. With respect to "leather goods," as that term is defined by Opposer, admitted. As explained in response to Applicant's Interrogatory No. 7, Opposer is currently sampling designs for a new leather goods collection that will launch in the UK in 2015, and will be part of Opposer's product offering in the U.S. once Opposer opens its stores there.

REQUEST FOR ADMISSION NO. 5:

Opposer has not sold any clothing or handbags in any country under the mark MAPPIN & WEBB in the past five (5) years.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Opposer objects to this request on the ground that the term "handbags" is vague, ambiguous, and undefined. For purposes of its response, Opposer construes the term "handbags" to refer to small bags or purses held in the hand or hung from a shoulder strap and used for carrying small personal articles and money.

Subject to the above general and specific objections, admitted. As to handbags, Opposer is aware that its Lizard Kelly handbag, as described in Paragraph 5 of the Notice of Opposition, has been offered on eBay. As detailed in paragraph 7 of Opposer's Notice of Opposition, Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON applications do not cover "clothing." Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON applications set forth Opposer's intent to offer "purses" in the U.S. in connection with these marks.

REQUEST FOR ADMISSION NO. 6:

Opposer only ships goods from its website at www.mappinandwebb.com to consumers in the UK, Jersey, Guernsey and the Isle of Man.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Denied in part. At this time, Opposer's website www.mappinandwebb.com is capable of automatically completing online transactions (including shipping) only for consumers in the UK, Jersey, Guernsey, and the Isle of Man. Opposer intends to modify its website within the next calendar year so that international transactions (including to the U.S.) will be automatically fulfilled.

As a multi-channel retailer, Opposer currently can ship goods shown on its website to consumers in the U.S., and fulfill such transactions via alternative methods. For example, U.S.

consumers may access and peruse Opposer's products on its website, and may contact Mappin & Webb (via email or through the Customer Service number posted on Opposer's website for customers outside the UK, including the U.S.), where a representative will help a U.S. consumer complete his or her purchase.

REQUEST FOR ADMISSION NO. 7:

Opposer's statement in paragraph 6 of the Notice of Opposition is not true.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Denied. Opposer's statement in paragraph 6 of the Notice of Opposition, "Opposer offers its luxury goods products to consumers in the U.S. through its website, www.mappinandwebb.com" is true. As a multi-channel retailer, Opposer currently can ship goods shown on its website to consumers in the U.S., and fulfill such transactions via alternative methods. For example, U.S. consumers may access and peruse Opposer's products on its website, and may contact Mappin & Webb (via email or through the Customer Service number posted on Opposer's website for customers outside the UK, including the U.S.), where a representative will help a U.S. consumer complete his or her purchase.

REQUEST FOR ADMISSION NO. 8:

Opposer has never sold any clothing under the MAPPIN & WEBB mark anywhere in the world.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Subject to the above general and specific objections, admitted. As detailed in paragraph 7 of Opposer's Notice of Opposition, Opposer's MAPPIN & WEBB and MAPPIN & WEBB LONDON applications do not cover "clothing."

Opposer's Objections and Responses to Applicant's First Request for Admissions

Date: October 7, 2014

Douglas A. Rettew

Whitney D. Cooke

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

901 New York Avenue, N.W. Washington, DC 20001

Tel: (202) 408-4000

Fax: (202) 408-4400

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST REQUEST FOR ADMISSIONS was served on this 7th day of October 2014 via email and FedEx on counsel for Applicant at the following address of record:

MOLLY BUCK RICHARD RICHARD LAW GROUP 8411 PRESTON RD, STE 890 DALLAS, TX 75225-5500

> /Pamela Neal/ Litigation Clerk

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 6



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ASSIGN Status **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

BUTLER & WEBB

Word Mark

BUTLER & WEBB

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Perfumes; non-medicated toiletry preparations; cosmetics, soaps, essential oils, hair care preparations, shampoos; depilatory preparations; razors; anti-perspirants; dentifrices; toilet articles, namely, shower gel, aftershave and deodorants; non-medicated preparations for the care of the scalp and skin; non-medicated preparation for use in the bath

IC 018. US 001 002 003 022 041. G & S: Leather and imitations of leather, and articles made of leather and imitations of leather, namely, all purpose bags, belts, wallets, computer cases, cases for mobile phones, trunks, travelling bags, namely, suitcases, sports bags, soft carry cases for computers and mobile devices; handbags, suitcases, holdalls, umbrellas and parasols

IC 025. US 022 039. G & S: Articles of clothing, namely, shirts, pants, socks, tops, bottoms, jackets, tshirts, sweatshirts, suits; footwear; boots; shoes and slippers

Standard Characters Claimed

Mark

Drawing (4) STANDARD CHARACTER MARK

Code

Serial

86258704 Number

Filing April 22, 2014 Date

Current **Basis**

44E

Original

Filing 1B;44E

Basis

Owner (APPLICANT) Primark Holdings unlimited company IRELAND P.O. Box 644 Dublin 1 IRELAND

Attorney of Record

William C. Wright

Type of

TRADEMARK

Mark Register

PRINCIPAL

Live/Dead Indicator

LIVE

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TSDR

ASSIGN Status

TTAB Status

(Use the "Back" button of the Internet Browser to

Воттом

return to TESS)

IELIA WEBB

Word Mark

Goods and Services

IC 014. US 002 027 028 050. G & S: Jewellery and imitation jewellery; precious stones; horological and chronometric instruments; costume jewellery; jewelry chains; ornaments of precious metal in the

nature of jewelry

Standard Characters Claimed

Mark Drawing

Code

(4) STANDARD CHARACTER MARK

Serial Number

79111282

Filing Date

March 5, 2012

Current Basis

66A

Original Filing

Basis

66A

Published for

Opposition

February 26, 2013

Registration

Number

4333275

International

Registration

1111908

Number

Registration

May 14, 2013 Date

Owner

(REGISTRANT) Cornelia Webb INDIVIDUAL SWEDEN Svartensgatan 12 SE-116 20 Stockholm

SWEDEN

Attorney of Record

Michael J. Hynak

Priority Date

September 7, 2011

Type of Mark

TRADEMARK

Register

PRINCIPAL

Other Data

The name "Cornelia Webb" identifies a living individual whose consent is of record.

Live/Dead Indicator

LIVE

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TSDR **ASSIGN Status** TTAB Status (Use the "Back" button of the Internet Browser to

return to TESS)



Word Mark DAVID W WEBB

Goods and IC 014. US 002 027 028 050. G & S: Jewelry, watches, and works of art made of precious and semi-Services precious metals, stones and gems. FIRST USE: 20101108. FIRST USE IN COMMERCE: 20101108

> IC 035. US 100 101 102. G & S: Retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems; Online retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems. FIRST USE: 20100926. FIRST USE IN COMMERCE: 20100926

> IC 036. US 100 101 102. G & S: Jewelry appraisal and valuation services. FIRST USE: 20101108. FIRST USE IN COMMERCE: 20101108

> IC 037. US 100 103 106. G & S: Repair, maintenance, and restoration of jewelry, watches and works of art made of precious and semi-precious metals, stones and gems. FIRST USE: 20101108. FIRST USE IN COMMERCE: 20101108

Mark

Drawing (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Code

Design 03.05.03 - Zebras

Search 03.05.16 - Heads of horses, donkeys, zebras Code 03.05.24 - Stylized horses, donkeys, zebras

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

27.03.01 - Geometric figures forming letters, numerals or punctuation

Serial

85197572 Number

Filing Date December 14, 2010

Current Basis

1A

Original

Filing Basis

Published for November 8, 2011

Opposition

Registration 4089876

Number

Registration January 24, 2012

Date Owner

(REGISTRANT) David Webb, LLC LIMITED LIABILITY COMPANY NEW YORK 942 Madison Avenue

New York NEW YORK 10021

Attorney of

Record

Ralph Gaboury, Esq.

of Mark

Description Color is not claimed as a feature of the mark. The mark consists of the stylized wording "DAVID W WEBB" where the initial "W" is formed by the design of a right profile of a zebra's head and torso.

Type of

TRADEMARK. SERVICE MARK

Mark Register

PRINCIPAL

Other Data

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead

LIVE

Indicator

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TSDR ASSIGN Status

TTAB Status

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DAVID WEBB

Word Mark DAVID WEBB

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; Perfumes

IC 009. US 021 023 026 036 038. G & S: Eyeglass cases; Eyeglasses

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper stationery

IC 018. US 001 002 003 022 041. G & S: Handbags

IC 021, US 002 013 023 029 030 033 040 050, G & S: Dinnerware

IC 025. US 022 039. G & S: Scarves; Shoes; Women's clothing, namely, shirts, dresses, skirts,

blouses

IC 035. US 100 101 102. G & S: On-line retail store services featuring jewelry

Standard Characters

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86382005

Filing Date August 31, 2014

Current Basis 1B Original Filing Basis 1B

Published for Opposition

December 30, 2014

Owner (APPLICANT) David Webb LLC LIMITED LIABILITY COMPANY NEW YORK 942 Madison

Avenue New York NEW YORK 10021

Attorney of Record Ralph N. Gaboury, Esq.

Prior Registrations 4089875;4089876

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular

living individual.

Live/Dead Indicator LIVE

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ASSIGN Status TTAB Status

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return to TESS)

David Webb

Word Mark **DAVID WEBB**

Goods and Services

IC 014. US 002 027 028 050. G & S: Jewelry, watches, and works of art made of precious and semiprecious metals, stones and gems. FIRST USE: 19480000. FIRST USE IN COMMERCE: 19480000

IC 035. US 100 101 102. G & S: Retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems.; Online retail store services featuring jewelry, watches and works of art made of precious and semi-precious metals, stones and gems. FIRST USE: 19480000. FIRST USE IN COMMERCE: 19480000

IC 037. US 100 103 106. G & S: Repair, maintenance, and restoration of jewelry, watches and works of art made of precious and semi-precious metals, stones and gems. FIRST USE: 19480000. FIRST USE IN COMMERCE: 19480000

Standard Characters Claimed

Mark

Drawing (4) STANDARD CHARACTER MARK

Code

Serial 85197552 Number

Filing Date December 14, 2010

Current **Basis**

1A

Original Filing Basis

1A

Published

November 8, 2011 for

Opposition

Registration 4089875

Number

International

Registration 1228966

Number

Registration

Date

January 24, 2012

(REGISTRANT) David Webb, LLC LIMITED LIABILITY COMPANY NEW YORK 942 Madison Avenue Owner

New York NEW YORK 10021

Attorney of

Record

Ralph Gaboury, Esq.

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead Indicator

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TSDR ASSIGN Status **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

WEBB

New York

Word Mark

DAVID WEBB NEW YORK

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; Perfumes

IC 009. US 021 023 026 036 038. G & S: Eyeglass cases; Eyeglasses

IC 014. US 002 027 028 050. G & S: Jewelry; Jewelry watches; Precious and semi-precious gems; Works

of art of precious metal

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper stationery

IC 018. US 001 002 003 022 041. G & S: Handbags

IC 021, US 002 013 023 029 030 033 040 050, G & S: Dinnerware

IC 025. US 022 039. G & S: Scarves; Shoes; Women's clothing, namely, shirts, dresses, skirts, blouses

IC 035. US 100 101 102. G & S: (Based on Use in Commerce) Retail jewelry stores; (Based on Intent to Use) On-line retail store services featuring jewelry. FIRST USE: 20131101. FIRST USE IN COMMERCE:

20131101

Mark

Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

86381987

Filing Date

August 31, 2014

Current **Basis**

1A;1B

Original

Filing Basis

1A;1B

Published

7/12/2015

for December 30, 2014

Opposition

Owner (APPLICANT) David Webb LLC LIMITED LIABILITY COMPANY NEW YORK 942 Madison Avenue New

York NEW YORK 10021

Attorney of Record

Ralph N. Gaboury,

Prior

4089875;4089876

Registrations

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEW YORK" APART FROM THE MARK

AS SHOWN

Description of Mark

Color is not claimed as a feature of the mark. The mark consists of the words "DAVID WEBB" in all capital letters; centered below the words "DAVID WEBB" appear the words "New York" with the "N" and

"Y" capitalized.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead

Indicator

LIVE

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TSDR ASSIGN Status TTAB Status (Use the "Bac

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return to TESS)

DWebb

Word Mark DWEBB

Goods and Services IC 014. US 002 027 028 050. G & S: Jewel pendants

Standard Characters

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86137987

Filing Date December 8, 2013

Current Basis 1B Original Filing Basis 1B

Published for

April 29, 2014

Opposition

Owner

(APPLICANT) Webb, Danny L. DBA Danny Webb INDIVIDUAL UNITED STATES 701 NW

52ND ST Lawton OKLAHOMA 73505

Type of Mark TRADEMARK
Register PRINCIPAL

Live/Dead Indicator LIVE

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ASSIGN Status

TTAB Status

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TESS)

GARDNER-WEBB UNIVERSITY

Word Mark Goods and Services GARDNER-WEBB UNIVERSITY

IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 014. US 002 027 028 050. G & S: lapel pins. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 016. US 002 005 022 023 029 037 038 050. G & S: paper goods, namely, pennants, napkins, window stickers, bumper stickers, decals, sticker sheets, pencil pouches, stationary sets, composed primarily of stationery and envelopes, note cards, folders, padfolios, portfolios, calendars, notebooks, writing paper and envelopes, binders and folders for papers, paperweights, pens, pencils, paper banners and posters. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 018. US 001 002 003 022 041. G & S: umbrellas, tote bags. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 020. US 002 013 022 025 032 050. G & S: plastic car flags and non-metal key chains and clear plastic holders for identification badges. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 021. US 002 013 023 029 030 033 040 050. G & S: trash cans, mugs. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 024. US 042 050. G & S: cloth banners, cloth flags and cloth pennants. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 025. US 022 039. G & S: clothing for men, women and children, namely, shirts, shorts, hats and caps, socks, jackets, pants, sweatsuits, sweatshirts, sweatpants, sleepwear, rainwear, and sweaters. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

IC 041. US 100 101 107. G & S: education and entertainment services, namely, providing educational courses at the college level and arranging and conducting college level men's and women's sporting events, namely, men's and women's basketball, men's football, men's baseball, women's volleyball, women's softball, men's and women's track and field, men's and women's swimming, men's and women's cross country, men's and women's soccer, men's and women's tennis and men's and women's golf. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

Standard Characters Claimed Mark Drawing Code

(4) STANDARD CHARACTER MARK

Trademark Search Facility Classification

NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters, punctuation and mathematical

signs, zodiac signs, prescription marks

Code

SHAPES-MISC Miscellaneous shaped designs

Serial Number

77123600 Filing Date March 6, 2007

Current Basis Original Filing

Basis

1A

1A

Published for Opposition

April 22, 2008

Registration Number

3460242

Registration Date July 8, 2008

Owner

(REGISTRANT) Gardner-Webb University, Inc. CORPORATION NORTH CAROLINA P.O. Box 997 Boiling

Springs NORTH CAROLINA 28017

Attorney of Record

Bassam N. Ibrahim

Prior

Registrations

2443998

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY" APART FROM THE MARK AS

SHOWN

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

Live/Dead

Indicator

LIVE

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Word Mark GARDNER-WEBB UNIVERSITY PRO DEO ET HUMANITATE 1905 BOILING SPRINGS, N.C.

Translations THE WORDING "PRO DEO ET HUMANETATE" MEANS "FOR GOD AND HUMANITY".

Services

Goods and IC 006. US 002 012 013 014 023 025 050. G & S: METAL KEYCHAINS, METAL NOVELTY LICENSE PLATES. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000

> IC 014. US 002 027 028 050. G & S: WATCHES, LAPEL PINS. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000

IC 016. US 002 005 022 023 029 037 038 050. G & S: PAPER GOODS, NAMELY PENNANTS, NAPKINS, WINDOW STICKERS, BUMPER STICKERS, DECALS, STICKER SHEETS, PENCIL POUCHES, STATIONERY SETS, COMPOSED PRIMARILY OF STATIONERY AND ENVELOPES, NOTE CARDS, FOLDERS, PADFOLIOS, PORTFOLIOS, CALENDARS, NOTEBOOKS, WRITING PAPER AND ENVELOPES, BINDERS AND FOLDERS FOR PAPERS, PAPERWEIGHTS, PENS, PENCILS, BANNERS AND POSTERS. FIRST USE: 19200000. FIRST USE IN COMMERCE: 19200000

(CANCELLED) IC 020. US 002 013 022 025 032 050. G & S: [CUSHIONS, NON-METAL KEY CHAINS AND CLEAR PLASTIC HOLDERS FOR IDENTIFICATION BADGES]. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 021. US 002 013 023 029 030 033 040 050. G & S: GLASSWARE, NAMELY, DRINKING GLASSES, CUPS, MUGS, PITCHERS, VASES, BOWLS, AND TRASH CANS. FIRST USE: 19600000. FIRST USE IN COMMERCE: 19600000

IC 024. US 042 050. G & S: CLOTH BANNERS, CLOTH PENNANTS. FIRST USE: 19500000. FIRST USE IN COMMERCE: 19500000

IC 025. US 022 039. G & S: CLOTHING FOR MEN, WOMEN AND CHILDREN, NAMELY, SHIRTS, SHORTS, HATS AND CAPS, SOCKS, JACKETS, PANTS, SWEATSUITS, SWEATSHIRTS, SWEATPANTS, SLEEPWEAR, RAINWEAR, AND SWEATERS. FIRST USE: 19800000. FIRST USE IN COMMERCE: 19800000

IC 041. US 100 101 107. G & S: EDUCATION AND ENTERTAINMENT SERVICES, NAMELY PROVIDING EDUCATIONAL COURSES AT THE COLLEGE LEVEL AND ARRANGING AND CONDUCTING COLLEGE LEVEL MEN'S AND WOMEN'S SPORTING EVENTS, NAMELY, MEN'S AND WOMEN'S BASKETBALL, MEN'S FOOTBALL, MEN'S BASEBALL, WOMEN'S VOLLEYBALL, WOMEN'S SOFTBALL, MEN'S AND WOMEN'S TRACK AND FIELD, MEN'S AND WOMEN'S SWIMMING, MEN'S AND WOMEN'S CROSS COUNTRY, MEN'S AND WOMEN'S SOCCER, MEN'S AND WOMEN'S TENNIS AND MEN'S AND WOMEN'S GOLF. FIRST USE: 19100000. FIRST USE IN COMMERCE: 19100000

Mark

Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 01.01.13 - Stars - multiple stars with five points

13.01.02 - Blow torch; Propane torches; Torches; Welding torch Search

Code 20.05.05 - Bibles (open); Books that are open; Cook books (open); Encyclopedias (open)

26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters,

numerals or punctuation forming or bordering the perimeter of a circle

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

26.01.28 - Circles with irregular circumferences; Miscellaneous circular designs with an irregular

circumference

Serial Number

75813300

Filing Date October 1, 1999

Current Basis

1A

Original

1A Filing Basis

Published

for January 23, 2001

Opposition

Change In Registration

CHANGE IN REGISTRATION HAS OCCURRED

Registration 2443998

Number

Registration

Date

April 17, 2001

(REGISTRANT) Gardner-Webb University, Inc. CORPORATION NORTH CAROLINA 110 S. Main St. Owner

P.O. Box 876 Boiling Springs NORTH CAROLINA 28017

Attorney of

Record

Bassam N. Ibrahim

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", "1905" and "BOILING Disclaimer

SPRINGS, N.C." APART FROM THE MARK AS SHOWN

Type of

TRADEMARK, SERVICE MARK Mark

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20111019.

Renewal 1ST RENEWAL 20111019

Live/Dead Indicator

LIVE

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TTAB Status

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THE WEBB ELLIS CUP

Word Mark THE WEBB ELLIS CUP

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer games software; video games software

IC 025. US 022 039. G & S: Sports and leisure clothing, namely, sports jerseys, sports over uniforms, swimming suits, tracksuits, warm-up suits, uniforms, sports shorts, sports jackets, track jackets, sports anti-sweat underclothes, headgear, namely, caps as headwear; visor caps, hats, head bands knitted bonnets, knitted caps, knitted hats, underwear for men, ties, scarves, footwear for sport

IC 028. US 022 023 038 050. G & S: Toys, namely, dolls and plush toys, toy vehicles, puzzles, balloons, inflatable toys; games other than those adapted for use with an external display screen or monitor, namely, hand-held electronic games including those with liquid crystal displays, action skill games, arcade games, card games, parlour games, party games other than those designed to be used only with a television receiver, namely, hand-held games with liquid crystal displays, video games for coin operated amusement machines; sporting and gymnastic articles, namely, sports apparatus in the nature of rugby gloves, knee guards for athletic use, elbow guards for athletic use, shin guards for athletic use, shoulder protectors in the nature of shoulder pads for athletic use, rugby goals, sports bags specially adapted for carrying sports equipment; storage apparatus comprising shelving specially adapted for sports equipment; rugby balls; ordinary playing cards

IC 041. US 100 101 107. G & S: Entertainment services, namely, rugby competitions, rugby matches, and rugby tournaments, amusement park services, organization of sports competitions and recreational park services; entertainment services provided at or relating to sports events, namely, fireworks display laser shows, live audio and visual performances by actors and dancers, live performances by a musical band, preparation of special effects during or in connection with sports events; entertainment services provided at or relating to sports events, namely, production of sports related audio recording and film and video programs; Entertainment services, namely, providing a web site featuring non-downloadable musical performances, musical videos, related film clips, photographs and other multimedia materials featuring sports; entertainment services, namely, the provision of programs, segments, movies, and shows featuring sports and sports news delivered by radio broadcasts, television broadcasts, cable transmission, and satellite transmission; entertainment services provided at or relating to sports events, namely, production of sports related audio and video programs, video clips, audio clips and replays and distribution of such programs, clips and replays by means of radio broadcasts, television broadcasts, cable transmission and satellite transmission provided as content available on websites and as Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through Internet and on mobile devices via global computer networks and wireless networks; producing, organizing and staging sports competitions in the field of rugby; proving sports exhibition

facilities; providing museum facilities; museum services; presentation of live performances by a music group, provision of stadium, conference and exhibition services for sports purposes and for music concerts; rental of sports stadium facilities and sports apparatus, except vehicles; musical services in the nature of live concerts; photography; photography productions services

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Code

Serial Number

79122822

Filing Date

January 13, 2012

Current

66A

Basis

Original 66A

Filing Basis

Published

for

September 30, 2014

Opposition

Registration Number

4654656

International

Registration 1141935

Number

Registration

Date

December 16, 2014

Owner

(REGISTRANT) RUGBY WORLD CUP LIMITED Limited Company IRELAND Huguenot House 35/38 St.

Stephens Green Dublin 2 IRELAND

Attorney of

Record

Eric T. Fingerhut

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUP" FOR INTERNATIONAL CLASS 41

APART FROM THE MARK AS SHOWN

Type of

Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Other Data

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead Indicator

LIVE

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TSDR

WEBB

Word Mark **WEBB**

Goods and Services

IC 014. US 002 027 028 050. G & S: Jewelry; Jewelry watches; Precious and semi-precious gems; Semiprecious and precious stones; Works of art of precious metal. FIRST USE: 19530601. FIRST USE IN

COMMERCE: 19530601

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Code

Serial

86354460

Number

July 31, 2014

Current **Basis**

1A

Original

Filing Date

1A

Filing Basis

(APPLICANT) David Webb LLC LIMITED LIABILITY COMPANY NEW YORK 942 Madison Avenue New Owner

York NEW YORK 10021

Attorney of Record

Ralph N. Gaboury, Esq.

Prior

4089875;4089876

Registrations

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead Indicator LIVE

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TTAB Status

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TESS)

vebb&scott co

Word Mark

WEBB & SCOTT CO.

Goods and Services

IC 025. US 022 039. G & S: Clothing, namely, shirts, blouses, coats, raincoats, suits, skirts, jackets, trousers, jeans, waistcoats, T-shirts, polo shirts, polo knit tops, jerseys, sweaters, blazers, cardigan, stockings, socks, underwear, corsets, nightgowns, pyjamas, bathrobes, sun suits, sports jackets, ski pants, ski gloves, wind-resistant jackets, sweat suits, ties, neckties, scarves, shawls, stoles, gloves, sashes, belts, sport trousers, shorts and pants, suits made of leather, lady suits, stockings, pants, panties, brassieres, body suits, singlets, petticoats, suspender belts, dressing gowns, overcoats, fur coats; footwear, namely shoes, slippers, sport shoes, boots and sandals; headgear, namely, caps and hats

Mark

Drawing (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Code

Design 24.17.06 - Plus symbol (+)

Search 24.17.14 - Ampersands (&); At symbol (@); Brackets, punctuation; Commas; Diacritical marks; Exclamation points

Code (!i); Punctuation marks; Question marks (?)

26.11.21 - Rectangles that are completely or partially shaded

Serial

79084218 Number

Filing Date March 15, 2010

Current Basis

66A

Original 66A

Filing Basis

Published

for February 8, 2011

Opposition

Registration

3950102

Number

International

Registration 1043211

Number

Registration

April 26, 2011

Owner

Date

(REGISTRANT) MIGOR S.P.A. Corporation ITALY Via John Ambrose Fleming, 25 I-41012 Carpi (MO) ITALY

Attorney of

Lawrence E. Laubscher, Jr.

Record

Priority Date March 3, 2010

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CO." APART FROM THE MARK AS SHOWN Disclaimer Description Color is not claimed as a feature of the mark. The mark consists of a cross superimposed over a rectangle, to the

of Mark left of "WEBB & SCOTT CO."

Type of **TRADEMARK** Mark **PRINCIPAL**

Register Live/Dead

LIVE Indicator

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ASSIGN Status

TTAB Status

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WEBB C. BALL

Word Mark WEBB C BALL

Goods and IC 014. US 002 027 028 050. G & S: Jewelry and watches. FIRST USE: 20001218. FIRST USE IN

COMMERCE: 20010109 Services

Mark Drawing

(1) TYPED DRAWING Code

Serial Number 76515398

April 24, 2003 Filing Date

1A **Current Basis** Original Filing

1B

Basis

Published for January 13, 2004 **Opposition**

Change In

CHANGE IN REGISTRATION HAS OCCURRED Registration

Registration 2967778 Number

Registration Date July 12, 2005

Owner (REGISTRANT) Teddy Bear Group Ltd. CORPORATION BR. VIRGIN ISLANDS P.O. Box 957

Road Town, Tortola BR.VIRGIN ISLANDS

Attorney of Record

Mark Mutterperl

Prior 2380420 Registrations

Type of Mark **TRADEMARK PRINCIPAL** Register

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150224.

Renewal 1ST RENEWAL 20150224

Live/Dead Indicator

LIVE





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ASSIGN Status TTAB Status

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TSDR



Word Mark WEBB ELLIS

Goods and IC 025. US 022 039. G & S: Rugby shoes; Rugby clothing, namely, shorts, shirts, jackets and pants.

FIRST USE: 20021030. FIRST USE IN COMMERCE: 20040830 Services

Mark Drawing

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS Code

Design Search 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures Code

02.09.05 - Humans, including men, women and children, depicted running; Running, humans

21.03.18 - Australian footballs; Elliptical shaped balls; Footballs; Rugby balls

Trademark ART-21.03 Sporting articles; merry-go-rounds Search Facility GROT-HUM Exaggerated depiction of a human

Classification SHAPES-COLORS-2 Design listing or lined for two colors

Code SHAPES-MISC Miscellaneous shaped designs

SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

77286336 Serial Number

Filing Date September 21, 2007

Current Basis 1A Original Filing

Basis

1A

Published for Opposition

March 11, 2008

Registration Number

3435362

Registration

Date

May 27, 2008

Owner (REGISTRANT) Webb Ellis Ltd CORPORATION UNITED KINGDOM 5 & 6 St. Matthew's Street

Rugby UNITED KINGDOM CV213BY

Attorney of Ronald R Kilponen Record

Description of The color(s) blue, maroon is/are claimed as a feature of the mark. The mark consists of blue running

Mark human figure carrying a maroon rugby ball in one arm.

Type of Mark TRADEMARK Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead Indicator

LIVE

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TSDR **ASSIGN Status**

TTAB Status

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Word Mark WEBBSKELLY

Goods and Services

IC 025. US 022 039. G & S: clothing, namely, shirts, T-shirts, polo shirts, tank tops, sweatshirts,

shorts, pants, sweatpants, swim suits, jackets, hats, caps

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search

02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures

Code

02.11.10 - Bones, human; Human skeletons, parts of skeletons, bones, skulls; Skulls, human

Serial Number

86254608

Filing Date

April 17, 2014

Current Basis

Original Filing Basis

1B

1B

Published for

Owner

September 9, 2014

Opposition

(APPLICANT) Webb, Charles INDIVIDUAL UNITED STATES 630 Edgewater Drive West Chester

PENNSYLVANIA 19380

Attorney of

Record

Michael C. Petock

Description of

Mark

Color is not claimed as a feature of the mark. The mark consists of a figure of a skeleton with the word "WEBBSKELLY" below.

TRADEMARK Type of Mark Register **PRINCIPAL**

Live/Dead

Indicator

LIVE

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TTAB Status

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MAPPIN & WEBB

Word Mark MAPPIN & WEBB

Goods and IC 008. US 023 028 044. G & S: Cutlery, forks, spoons, and ice tongs Services

IC 009. US 021 023 026 036 038. G & S: Leather articles, namely, mobile phone cases; measuring cups

IC 014. US 002 027 028 050. G & S: Articles made of precious metals or coated or plated therewith, namely, money boxes, cuff links, jewelry, and key rings; horological and chronometric instruments; watches, clocks, and parts and fittings for all of the aforesaid goods, namely, watch movements, watch parts, watch faces, watch hands, clock movements, clock parts, clock faces, clock hands, clasps, settings, links, and fasteners; precious stones; precious stones set in precious metals, watch straps

IC 016. US 002 005 022 023 029 037 038 050. G & S: Articles made of precious metals or coated or plated therewith, namely, pens, bookends, money clips; passport holders; journal covers

IC 018. US 001 002 003 022 041. G & S: Leather articles, namely, wallets, credit card holders and calling card holders, luggage tags, purses, trunks and travelling bags; umbrellas, parasols and walking sticks; articles made of precious materials or coated or plated therewith, namely, credit card holders and calling card holders

IC 020. US 002 013 022 025 032 050. G & S: Mirrors, picture frames, photograph frames, and home furnishings made of wood, cork, reed, cane, wicker, meerschaum and substitutes for all these materials, or of plastics, namely, cabinets for display; photograph frames; non-metal key rings

IC 021. US 002 013 023 029 030 033 040 050. G & S: Domestic kitchen and bar utensils and containers, namely, trays, decanters, candle holders, tea light holders, taper holders, cookie and sweetie canisters for kitchen use, dishes, bowls, vases; perfume bottles sold empty; ice buckets; brushes, namely, hair brushes and make up brushes; combs; clothes brushes; corkscrews; bottle openers; flasks; housewares, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitcher and soup tureens; glassware, namely, glass decanters, glass vases, beverage glassware, glass jugs, glass beverage stirrers, glass perfume bottles sold empty, glass bowls, glass ice buckets, glass tea light

candle holders; beverageware; dinnerware; tableware, namely, non-electric candelabra, bowls, dishes, jugs, vases, serving trays; hollowware, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitchers and soup tureens; crystal, namely, photo frames, tea utensils, namely, pinch pots; candle holders, tea light holders, taper holders, dishes, light holders, ambiray trays, namely, serving trays; porcelain figurines, plagues, candle sticks, mugs, jugs, ornaments, sculptures, statues, bowls, dishes, and plates, china, namely, domestic kitchen utensils, namely, kitchen ladles, pouring and straining spouts, spoon rests, napkin holders, napkin rings, place name holders, jelly moulds, cupcake wraps, cake stands, porcelain cake toppers, cake turntables in the nature of lazy susans, pie vents and funnels, oil drizzlers, vinegar drizzlers, garlic roasters, fondue sets, namely, fondue pots without a heat source, fondue forks, and fondue pot stands, ice cream scoops, citrus squeezers, citrus reamers, banana trees, mug trees, salad servers, salt pots, pepper pots, pepper mills, mussel servers; earthenware, namely, domestic kitchen bowls, teapots coffee pots, vases, perfume bottles sold empty, jugs, mugs, dishes, plates, vases; and earthenware bowls, dishes, plates, candle accessories, namely, tea light holders; china and porcelain figurines; china, porcelain, glass and crystal ornaments; china, porcelain, and glass sculptures; china porcelain and glass statues, jugs, mugs, and tea light candle holders; salvers, namely, trays; powder compacts sold empty; articles made of precious metals or coated or plated therewith, namely, bowls, decanters, dishes, jugs, mugs, napkin rings, ice buckets, canisters for kitchen use, egg cups; articles made of precious metals or coated or plated therewith, namely, tea light candle holders, candle sticks, non-electric candelabra, serving trays, corkscrews, hipflasks, and bottle openers

IC 035. US 100 101 102. G & S: Retail store, online retail store, and mail order services in the fields of jewelry, precious stones, articles made of or coated with precious metals, glassware, cutlery, horological and chronometric instruments, leather goods, grooming aids, giftware, gift items, kitchen utensils, mirrors, picture frames, porcelain, earthenware, hipflasks

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Code

Serial 85350960

Number

Filing Date June 20, 2011

Current **Basis**

1B;44E

Original

Filing 1B:44E

Basis

Published

March 4, 2014 for

Opposition

Owner (APPLICANT) Mappin & Webb Limited CORPORATION UNITED KINGDOM Aurum House 2 Elland Road

Braunstone, Leicaster UNITED KINGDOM LE31TT

Attorney of

Douglas A. Rettew, Esq. Record

of Mark

Description Color is not claimed as a feature of the mark.

Type of

TRADEMARK. SERVICE MARK Mark

Register PRINCIPAL

Live/Dead

LIVE Indicator

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TSDR ASSIGN Status

TTAB Status

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MAPPIN & WEBB LONDON

Word Mark MAPPIN & WEBB LONDON

Goods and IC 008. US 023 028 044. G & S: Cutlery, forks, spoons, and ice tongs Services

IC 009. US 021 023 026 036 038. G & S: Leather articles, namely, mobile phone cases; measuring cups

IC 014. US 002 027 028 050. G & S: Articles made of precious metals or coated or plated therewith, namely, money boxes, cuff links, jewelry, and key rings; horological and chronometric instruments; watches, clocks, and parts and fittings for all of the aforesaid goods, namely, watch movements, watch parts, watch faces, watch hands, clock movements, clock parts, clock faces, clock hands, clasps, settings, links, and fasteners; precious stones; precious stones set in precious metals, watch straps

IC 016. US 002 005 022 023 029 037 038 050. G & S: Articles made of precious metals or coated or plated therewith, namely, pens, bookends, money clips; passport holders; journal covers

IC 018. US 001 002 003 022 041. G & S: Leather articles, namely, wallets, credit card holders and calling card holders, luggage tags, purses, trunks and travelling bags; umbrellas, parasols and walking sticks; articles made of precious materials or coated or plated therewith, namely, credit card holders and calling card holders

IC 020. US 002 013 022 025 032 050. G & S: Mirrors, picture frames, photograph frames, and home furnishings made of wood, cork, reed, cane, wicker, meerschaum and substitutes for all these materials, or of plastics, namely, cabinets for display; photograph frames; non-metal key rings

IC 021. US 002 013 023 029 030 033 040 050. G & S: Domestic kitchen and bar utensils and containers, namely, trays, decanters, candle holders, tea light holders, taper holders, cookie and sweetie canisters for kitchen use, dishes, bowls, vases; perfume bottles sold empty; ice buckets; brushes, namely, hair brushes and make up brushes; combs; clothes brushes; corkscrews; bottle openers; flasks; housewares, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitcher and soup tureens; glassware, namely, glass decanters, glass vases, beverage glassware, glass jugs, glass beverage stirrers, glass perfume bottles sold empty, glass bowls, glass ice buckets, glass tea light

candle holders; beverageware; dinnerware; tableware, namely, non-electric candelabra, bowls, dishes, jugs, vases, serving trays; hollowware, namely, cooking pots, sauce pans, frying pans, water pitchers, tea caddies, coffee pots, teapots, sugar bowls, milk jugs, pan stands, bottle holders, ice buckets, bottle coolers, champagne coolers, butter pat plates, creamer pitchers and soup tureens; crystal, namely, photo frames, tea utensils, namely, pinch pots; candle holders, tea light holders, taper holders, dishes, light holders, ambiray trays, namely, serving trays; porcelain figurines, plagues, candle sticks, mugs, jugs, ornaments, sculptures, statues, bowls, dishes, and plates, china, namely, domestic kitchen utensils, namely, kitchen ladles, pouring and straining spouts, spoon rests, napkin holders, napkin rings, place name holders, jelly moulds, cupcake wraps, cake stands, porcelain cake toppers, cake turntables in the nature of lazy susans, pie vents and funnels, oil drizzlers, vinegar drizzlers, garlic roasters, fondue sets, namely, fondue pots without a heat source, fondue forks, and fondue pot stands, ice cream scoops, citrus squeezers, citrus reamers, banana trees, mug trees, salad servers, salt pots, pepper pots, pepper mills, mussel servers; earthenware, namely, domestic kitchen bowls, teapots coffee pots, vases, perfume bottles sold empty, jugs, mugs, dishes, plates, vases; and earthenware bowls, dishes, plates, candle accessories, namely, tea light holders; china and porcelain figurines; china, porcelain, glass and crystal ornaments; china, porcelain, and glass sculptures; china porcelain and glass statues, jugs, mugs, and tea light candle holders; salvers, namely, trays; powder compacts sold empty; articles made of precious metals or coated or plated therewith, namely, bowls, decanters, dishes, jugs, mugs, napkin rings, ice buckets, canisters for kitchen use, egg cups; articles made of precious metals or coated or plated therewith, namely, tea light candle holders, candle sticks, non-electric candelabra, serving trays, corkscrews, hipflasks, and bottle openers

IC 035. US 100 101 102. G & S: Retail store, online retail store, and mail order services in the fields of jewelry, precious stones, articles made of or coated with precious metals, housewares, home furnishings, dinnerware, tableware, beverageware, glassware, hollowware, crystal, china, cutlery, horological and chronometric instruments, leather goods, bags, grooming aids, giftware, and gift items; customer rewards programs, namely, arranging and conducting incentive reward programs to promote the sale of jewelry, precious stones, articles made of or coated with precious metals, housewares, home furnishings, dinnerware, tableware, beverageware, glassware, hollowware, crystal, china, cutlery, horological and chronometric instruments, leather goods, bags, grooming aids, giftware, and gift items; customer lovalty services, for commercial, promotional and/or advertising purposes

Standard Characters Claimed

Mark

Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

85350965

Filing Date June 20, 2011

Current **Basis**

1B

Original

Filing 1B

Basis

Published

for

March 4, 2014

Opposition

Owner (APPLICANT) Mappin & Webb Limited CORPORATION UNITED KINGDOM Aurum House 2 Elland Road

Braunstone, Leicaster UNITED KINGDOM LE31TT

Attorney of

Douglas A. Rettew, Esq. Record

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LONDON" APART FROM THE MARK AS

SHOWN

of Mark

Description Color is not claimed as a feature of the mark.

Type of

TRADEMARK, SERVICE MARK Mark

Register PRINCIPAL

Live/Dead Indicator

LIVE

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Typed Drawing

Word Mark MAPPIN PLATE

Goods and **Services**

(CANCELLED) IC 014. US 028. G & S: Tea and Coffee Services Comprising Coffee Pots and Teapots; Creamers; Sugar Bowls; Hot Water Jugs; Condiment Sets; Tureens; Serving Dishes; Kettles and Stands; Travs: Sauce Boats; Candlesticks and Snuffers; Toast Racks; Cocktail Shakers; Decanters; Brandy Warmers; Ice Pails and Stands; Goblets; Wine Cradles; Cake Stands; Containers for Pastries and Bakery Goods; Butter Dishes; Salvers; Napkin Rings; Egg Stands; Vases; Tea Strainers; Preserve Jars; Ashtrays; Cigarette Boxes; All the Foregoing of Electroplated Silver. FIRST USE: 18950000. FIRST USE IN

COMMERCE: 19230000

Mark

Drawing

(1) TYPED DRAWING

Code

Serial Number

73338526

Filing Date

November 23, 1981

Current

1A **Basis**

Original

1A Filing Basis

Published

for

December 27, 1983

Opposition

Registration 1270685 Number

Registration **Date**

March 20, 1984

Owner

(REGISTRANT) Mappin & Webb Limited CORPORATION UNITED KINGDOM 106 Regent St. London

ENGLAND W1R 6JH

Assignment

Recorded

ASSIGNMENT RECORDED

Disclaimer

No claim is made to the exclusive right to use the word "Plate", apart from the mark as shown.

Type of

Mark

TRADEMARK

7/27/2015

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Affidavit SECT 8 (6-YR). Text

Live/Dead Indicator

DEAD

Cancellation December 25, 2004

Date

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Press

Wired Choker in Rose Gold Worn by Rihanna in the Cover Story of Tush Magazine

Issue 9, 2014 Tush Magazine

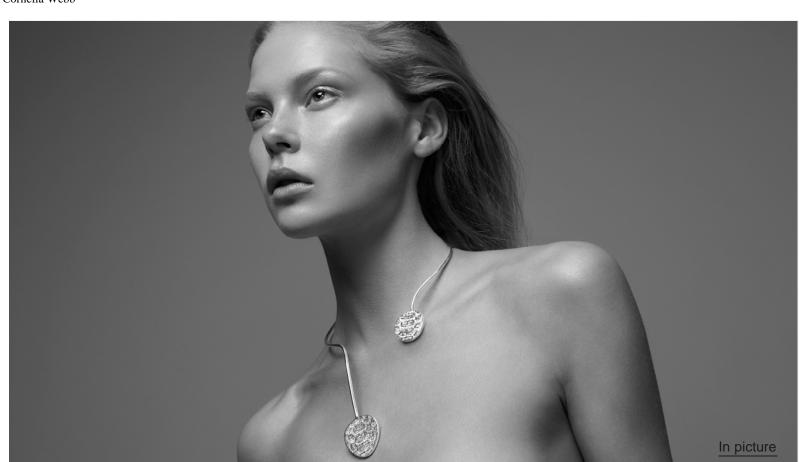
Photo: Steven Gomillion & Dennis Leupold @ Factory Downtown Styling: Nadia Rath @ Ballsaal & Factory Downtown

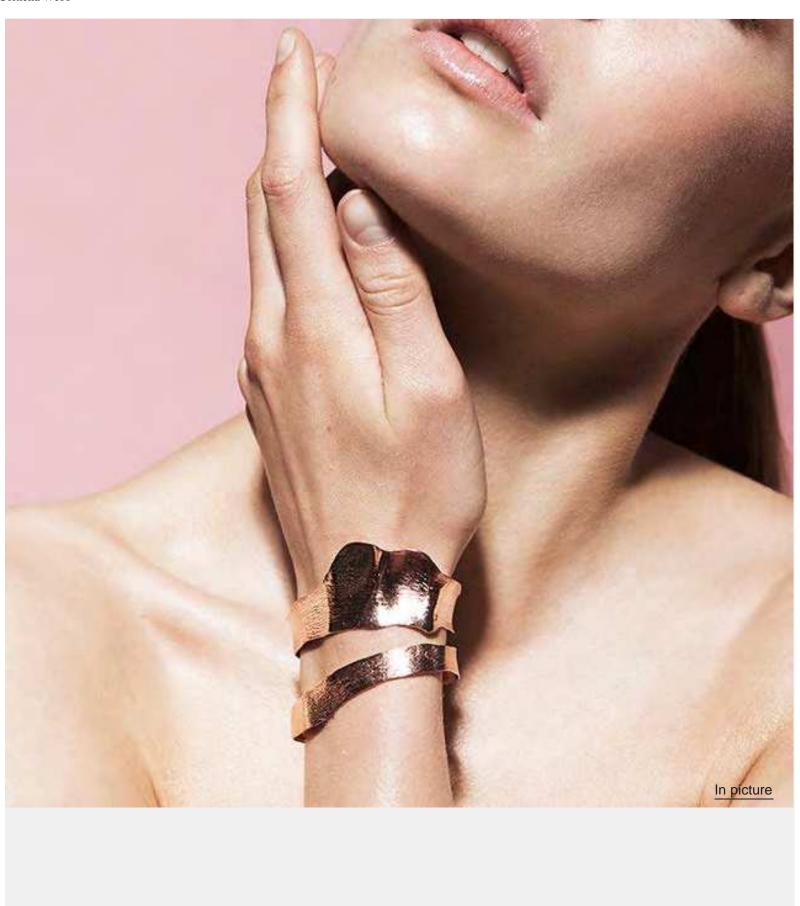
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established itself on the international luxury market, creating seductive garments and accessories with a true Scandinavian tone.

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Head office/Studio

Cornelia Webb

Svartensgatan 12

116 20 Stockholm

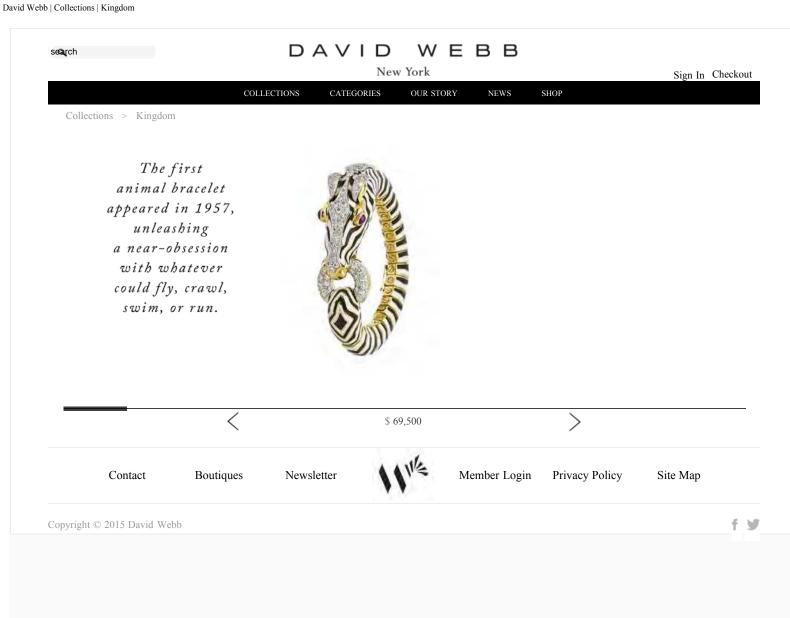
+46 8 400 581 81

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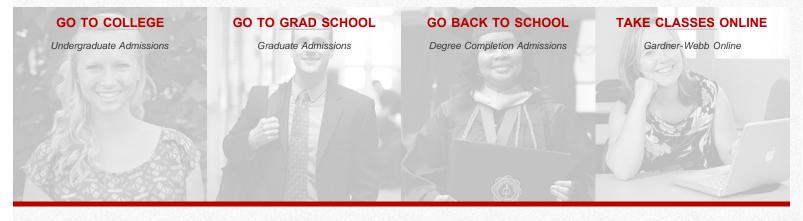
Studio: Monday to Friday 10 - 18

Online store: Always

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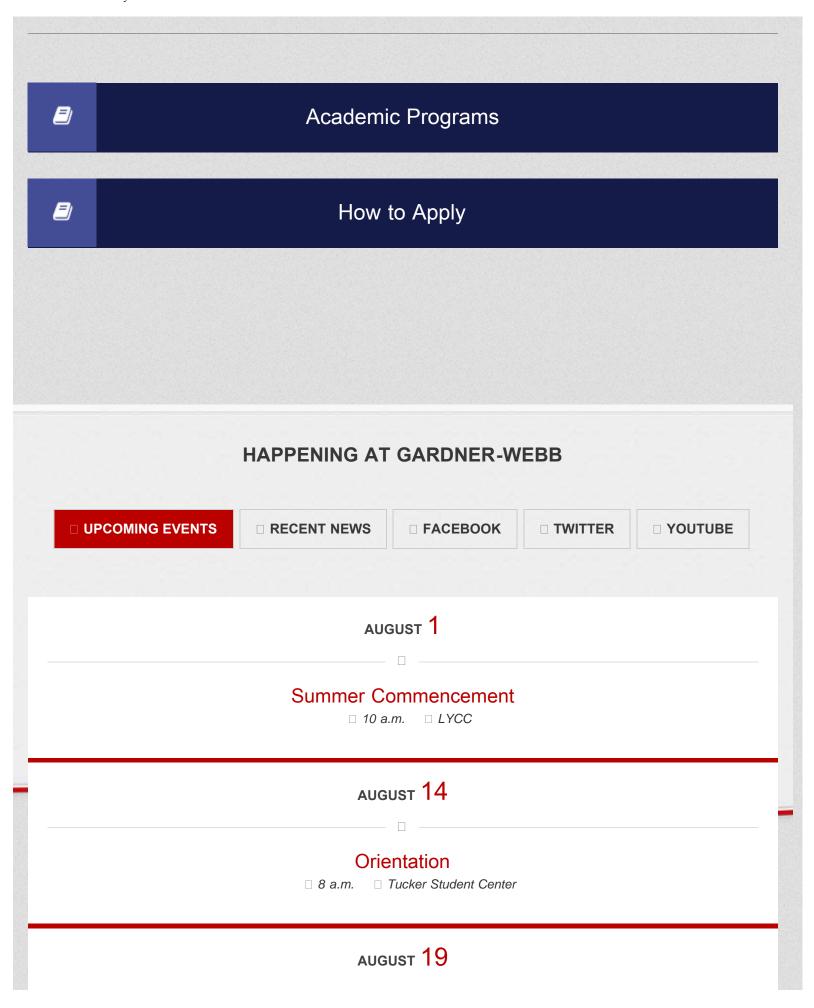
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QUALIFYING



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£ 6.00

RWC 2015 3D Replica Webb Ellis Trophy Keyring



WEBB ELLIS CUP 15 TOUR POLO

£ 40.00

This polo is from the Webb Ellis Cup collection, and is ideal for any post match function.



WEBB ELLIS CUP 15 TOUR STRIPE S/S RUGBY JERSEY

£ 55.00

Rugby World Cup 2015 Webb Ellis Cup 15 Tour Stripe Rugby Jersey.



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AFTERMATCH RUGBY **JERSEY**

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Webb Ellis Cup Aftermatch L/S Rugby Jersey



Designed with the History of Rugby and William Webb Ellis in mind.

£ 10.00

100% acrylic beanie







WEBB ELLIS CUP BOTTLE

Webb Ellis Flat Bottle Opener

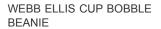
OPENER

£ 6.00

WEBB ELLIS CUP CAP

£ 15.00

100% cotton cap with embroidery logos



£ 14.00

Webb Ellis Cup Maul Bobble Beanie



WEBB ELLIS CUP HARLEQUIN **RUGBY JERSEY**

£ 60.00

Webb Ellis Cup Harlequin L/S Rugby Jersey



WEBB ELLIS CUP HOOP STRIPE L/S RUGBY JERSEY

£ 60.00

Webb Ellis Cup Hoop Stripe L/S Rugby Jersey



WEBB ELLIS CUP NAVY/GOLD STRIPE SILK TIE

£ 35.00

Rugby World Cup 2015 Webb Ellis Cup Navy/Gold Stripe Silk Tie



WEBB ELLIS CUP POLO £ 35.00

Navy & Gold striped 100% cotton

polo shirt with embroidered logos



£ 40.00 Rugby World Cup 2015 Webb Ellis Cup Pro Polo

WEBB ELLIS CUP PRO POLO



QUILTED S/S RUGBY JERSEY £ 55.00

This stylish quilted design is from the Webb Ellis Cup collection.

WEBB ELLIS CUP PRO



WEBB ELLIS CUP QUILTED JACKET £ 80.00

RWC 2015 Webb Ellis Cup Quilted

Jacket

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WEBB ELLIS CUP REPLICA TROPHY

£ 100.00

Webb Ellis Cup Replica Trophy



WEBB ELLIS CUP SCARF £ 13.00

100% acrylic scarf with embroidered logos



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Webb Ellis Cup Trophy Cap, showing off the prize of Rugby World Cup 2015.



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Celebrate Rugby World Cup 2015 with this timeless classic.



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£ 35.00

Webb Ellis Cup Trophy Polo



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The beginnings of Rugby is captured with historical prints on this soft cotton rugby t-shirt



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This jersey is ideal for any rugby or social occasion. This fully embellished polo features the rugby crest on the right chest. 100% cotton jersey logos embroidered and printed 300gsm



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Rugby World Cup 2015 Webb Ellis Pin.



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Accetto

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered				
REGISTRATION NUMBER	2967778				
REGISTRATION DATE	07/12/2005				
SERIAL NUMBER	76515398				
MARK SECTION					
MARK	WEBB C BALL				
CORRESPONDENCE SECTION (current)					
NAME	Mark Mutterperl				
FIRM NAME	Bracewell & Giuliani LLP				
STREET	1251 Avenue of the Americas, 49th Floor				
CITY	New York				
STATE	New York				
POSTAL CODE	10020-1100				
COUNTRY	United States				
PHONE	212.508.6100				
FAX	212.508.6101				
EMAIL	docketing@bgllp.com;mark.mutterperl@bgllp.com;jessica.parise@bgllp.com;jenni				
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes				
CORRESPONDENCE SECTION (proposed)					
NAME	Mark N. Mutterperl				
FIRM NAME	Bracewell & Giuliani LLP				

STREET	1251 Avenue of the Americas, 49th Floor			
CITY	New York			
STATE	New York			
POSTAL CODE	10020			
COUNTRY	United States			
PHONE	212.508.6100			
FAX	212.508.6101			
EMAIL	docketing@bgllp.com;mark.mutterperl@bgllp.com; jennifer.ashton@bgllp.com; ledgar.cantu@bgllp.com			
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes			
DOCKET/REFERENCE NUMBER	082251.000007			
GOODS AND/OR SERVICES SECTION				
INTERNATIONAL CLASS	014			
GOODS OR SERVICES	Jewelry and watches			
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\765\153\76515398\xml2\ S890002.JPG			
	\\TICRS\EXPORT16\IMAGEOUT 16\765\153\76515398\xm12\ S890003.JPG			
	\\TICRS\EXPORT16\IMAGEOUT 16\765\153\76515398\xm12\ S890004.JPG			
SPECIMEN DESCRIPTION	Specimens consist of images of product bearing mark			
OWNER SECTION (current)				
NAME	Teddy Bear Group Ltd.			
STREET	P.O. Box 957			
CITY	Road Town, Tortola			
COUNTRY	British Virgin Islands			
LEGAL ENTITY SE	CTION (current)			
ТУРЕ	corporation			
PAYMENT SECTION				
NUMBER OF CLASSES	1			
NUMBER OF CLASSES PAID	1			

SUBTOTAL AMOUNT	400			
TOTAL FEE PAID	400			
SIGNATURE SECTION				
SIGNATURE	/Henryduong/			
SIGNATORY'S NAME	Henry Duong			
SIGNATORY'S POSITION	General Manager			
DATE SIGNED	02/06/2015			
SIGNATORY'S PHONE NUMBER	011.852.2858.8186			
PAYMENT METHOD	CC			
FILING INFORMATION				
SUBMIT DATE	Fri Feb 06 12:28:50 EST 2015			
TEAS STAMP	USPTO/S08N09-38.104.125.1 54-20150206122850843932-2 967778-530e2a3361be27fc35 fed2ec8ff7cc6746804b95ab7 7e279721fb97739a1198e66-C C-10085-20150205134442692 142			

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2967778 **REGISTRATION DATE:** 07/12/2005

MARK: WEBB C BALL

The owner, Teddy Bear Group Ltd., having an address of

P.O. Box 957

Road Town, Tortola,

British Virgin Islands

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 014, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Jewelry and watches; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Specimens consist of images of product bearing mark.

Specimen File1

Specimen File2

Specimen File3

The registrant's current Correspondence Information: Mark Mutterperl of Bracewell & Giuliani LLP

1251 Avenue of the Americas, 49th Floor

New York, New York (NY) 10020-1100

United States

The registrant's proposed Correspondence Information: Mark N. Mutterperl of Bracewell & Giuliani LLP

1251 Avenue of the Americas, 49th Floor

New York, New York (NY) 10020

United States

The docket/reference number is 082251.000007.

The phone number is 212.508.6100.

The fax number is 212.508.6101.

The email address is docketing@bgllp.com;mark.mutterperl@bgllp.com; jennifer.ashton@bgllp.com;

lily.hadley@bgllp.com; edgar.cantu@bgllp.com.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use and/or Excusable Nonuse in Commerce

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods/services/collective organization identified above.

Signature: /Henryduong/ Date: 02/06/2015

Signatory's Name: Henry Duong

Signatory's Position: General Manager

Signatory's Phone Number: 011.852.2858.8186

Serial Number: 76515398

Internet Transmission Date: Fri Feb 06 12:28:50 EST 2015 TEAS Stamp: USPTO/S08N09-38.104.125.154-201502061228

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ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2967778

Wild Number 76515308

Serial Number: 76515398

RAM Sale Number: 2967778

RAM Accounting Date: 20150206 Total Fees: \$400

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

Transaction	Fee	Transaction	Fee per	Number	Number of	Total
	<u>Code</u>	<u>Date</u>	<u>Class</u>	of Classes	Classes Paid	<u>Fee</u>
§8 affidavit	7205	20150206	\$100	1	1	\$100
Application for Renewal (§9)	7201	20150206	\$300	1	1	\$300

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20150206



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To: docketing@bgllp.com

Cc: mark.mutterperl@bgllp.com; jennifer.ashton@bgllp.com; lily.hadley@bgllp.com; edgar.cantu@bgllp.com
Subject: Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 2967778: WEBB

C BALL

Serial Number: 76515398 Registration Number: 2967778 Registration Date: Jul 12, 2005

Mark: WEBB C BALL

Owner: Teddy Bear Group Ltd.

Feb 24, 2015

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. The registration is renewed.

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):

014

TRADEMARK SPECIALIST POST-REGISTRATION DIVISION 571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=76515398. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

BERKSHIRE HATHAWAY INC.

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- Charlie Munger's Letters to Wesco Shareholders
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- <u>Celebrating 50 Years of a Profitable Partnership</u>

(A commemorative book first sold at the 2015 Annual Meeting and now for sale on eBay.)

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JULY 7, 2015

Berkshire Hathaway HomeServices expands NY presence



Wallingford's Berkshire Hathaway HomeServices New England Properties said it has purchased a 30-agent brokerage firm in New York.

Terms of Berkshire's adquisition of Tri-Crest Realty Inc., which operates in Eastchester and lower Hudson Valley, were not disclosed. The transaction gives New England Properties a total of 56 offices and over 1,600 agents operating in four states, and a larger presence in New York's Westchester County market.

New England Properties entered

Westchester County July 1 with the acquisition of Prudential Centennial Realty. The acquired companies now operate as Berkshire Hathaway HomeServices Westchester Properties.

Broker Veronica Meola will continue leading the Eastchester office. New England Properties is Berkshire Hathaway

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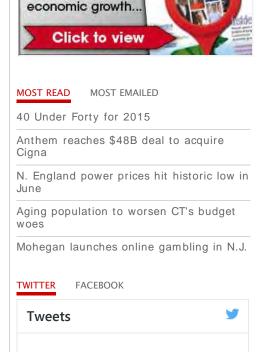
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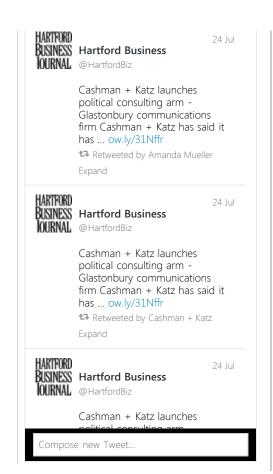
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Maxine Waters: 'We are a long way' from Fannie, Freddie reform

By Ruth Mantell

Published: July 9, 2015 4:20 p.m. ET

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Rep. Maxine Waters of California, the top Democrat on the House's Financial Services Committee, at a hearing about mortgage servicing.

WASHINGTON (MarketWatch) — It's been almost seven years since mortgage-finance giants Fannie Mae and Freddie Mac were placed into conservatorship, and U.S. lawmakers have yet to pin down how to reinforce the housing market's infrastructure, without disrupting sales or putting taxpayers at risk.

Discussions over housing-market reform are difficult — the topic is complex and there are fundamental disagreements

Maxine Waters: 'We are a long way' from Fannie, Freddie reform - MarketWatch

over the role for government.

"We have not been able to figure it out. It's just not easy," California Rep. Maxine Waters, the top Democrat on the U.S. House Financial Services Committee, told MarketWatch. "We are a long way from making any decisions about reform of Fannie and Freddie."

Proposals to restructure the housing market touch close to the heart of families across the country. Fannie FNMA, -1.55% and Freddie FMCC, -2.02% together back about half of new home mortgages, and no lawmaker wants to be known for getting housing reform wrong.

Meanwhile, some may see inaction as tempting. Because of a bailout agreement with the federal government, <u>Fannie</u> and <u>Freddie</u> have now sent the U.S. Treasury a total of about \$231 billion, about \$43 billion more than the firms received in aid. This arrangement has led to shareholder suits, which claim that the government is unfairly taking private capital.

Read more: AIG ruling was helpful, says major Fannie, Freddie investor

MarketWatch spoke with Waters about the housing market, the role of Fannie and Freddie and the companies' regulator, the Federal Housing Finance Agency. This transcript has been edited for clarity and length.

MarketWatch: The U.S. economy and the housing market seem to be recovering without replacing Fannie and Freddie. Since Congress is divided, what's wrong with keeping the status quo?

Waters: The discussion continues about Fannie and Freddie. There are those who say let's keep the status quo. And, of course, there are those who say that there have to be some reforms in Fannie and Freddie.

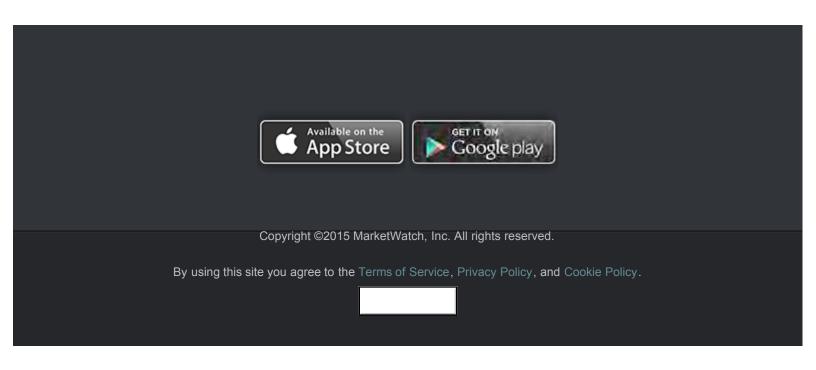
Of course, Fannie and Freddie look pretty good. Not only have they been performing well, but they have paid back all of the money to the Treasury and they continue to earn money. So that makes them look very, very good.

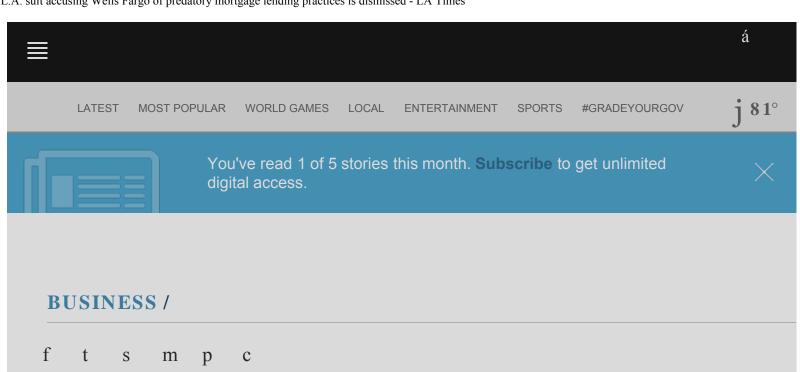
I believe that it is important to have something in place that will ensure that we have a secondary market, something in place to ensure that we are able to provide homeownership opportunities for the average person who is working every day and who can afford to pay a mortgage, people who have demonstrated that they pay their rent on time, they pay their utilities on time.

We cannot leave them to not be eligible for support from something like Fannie and Freddie. So I'm not supportive of those who say the private market can do all of this.

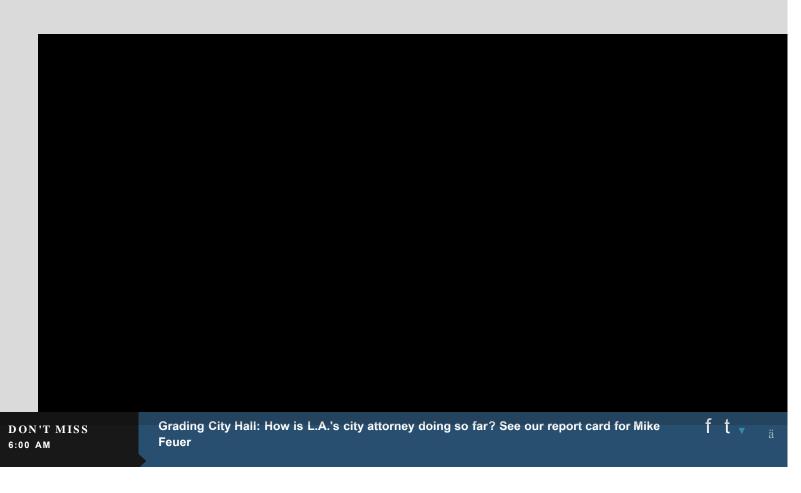
MarketWatch: So you are not ruling out, for instance, keeping Fannie and Freddie in something close to their current form?

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L.A. suit accusing Wells Fargo of predatory mortgage lending practices is dismissed





A Wells Fargo Home Mortgage office in La Habra.

(Jae C. Hong / Associated Press)

By E. SCOTT RECKARD AND ANDREW KHOURI

contact the reporters

JULY 17. 2015. 9:22 PM



federal judge dismissed a city of Los Angeles lawsuit accusing Wells Fargo & Co. of violating th federal Fair Housing Act by engaging in predatory mortgage lending practices targeting minori borrowers.

In a 28-page ruling Friday, U.S. District Judge Otis Wright II said the "undisputed facts" show that Wells Fargo, the nation's largest mortgage lender, did not violate the law during the two years in wh the statute of limitations applied.

Part of the city's suit focused on minority borrowers winding up more frequently than whites in Federal Housing Administration loans, which are aimed at first-time and marginal borrowers.

The FHA loans carry low down payments an easier to qualify for. But they are often more



While this case began with allegations that Wells Fargo trampled the rights of minorities, it ends with the city's failed attempt to engage in the exact same conduct.

"

- U.S. District Judge Otis Wright II

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conduct."

expensive than conventional mortgages beca they require higher mortgage insurance cost

Wright said FHA loans were intended to overcome precisely the barriers to ownership often experienced by minorities.

"The city is not a champion of minority right it declared in the complaint," Wright said. "I this case began with allegations that Wells F trampled the rights of minorities, it ends wit city's failed attempt to engage in the exact sa

A suit filed by Cook County, Ill., over similar issues in Chicago also was dismissed Friday.

Los Angeles City Atty. Michael N. Feuer sued the San Francisco bank in December 2013, alleging a "continuous pattern and practice" of mortgage discrimination that led to a wave of foreclosures, reduced property tax revenue and increased costs for city services.

The city cited a report from low-income advocacy groups that claimed the mortgage crisis resulted in 200,000 foreclosures in Los Angeles from 2008 through 2012, a wave that depressed property values and caused city property tax revenue to fall by \$481 million.

In addition, the local government costs for safety inspections, police and fire calls, trash removal and property maintenance for those foreclosures hit an estimated \$1.2 billion, according to the California Reinvestment Coalition and the Alliance of Californians for Community Empowerment.

Neither Feuer nor a spokesperson for him could be reached for commer

Wells Fargo spokesman Ancel Martinez said the bank, which had steadf denied wrongdoing, was gratified by the decision.

The suit was part of a series of federal civil actions that Feuer has filed against the nation's biggest banks late 2013 and 2014 to address what he said were the "devastating consequences of the foreclosure crisis in America's second-largest city."

Bank of Americ profits jump as costs drop

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Feuer's suits also accused JPMorgan Chase & Co., Bank of America Corp. and Citigroup Inc. of engaging i predatory lending and redlining as far back as 11 years ago.

Specifically, it accused all four banks of placing minority borrowers into riskier loans than it did to "similarly situated" white borrowers. Those loans caused a disproportionate number of foreclosures in minority neighborhoods compared with white neighborhoods, according to the city.

When the housing market crashed, the banks then curtailed credit to minority borrowers on a racially discriminatory basis, the lawsuits allege. If the banks did lend to minorities, they continued to do "so on predatory terms," the lawsuits allege.

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In May, however, a federal judge threw out the case against BofA, saying that the city failed to produce evidence of any damages and that its legal theories were "unsupported by legal precedent." Feuer has appealed the decision.

Early this year, Feuer's office filed separate state lawsuits against Wells, JPMorgan,

BofA and Citigroup in Los Angeles County Superior Court alleging similar

discriminatory lending practices. The pending cases were consolidated under the court's procedures for complex litigation.

Separately, Feuer sued Wells Fargo in early May over allegations that its rigid sales quotas have driven employees to open unauthorized accounts for customers, sticking them with bogus fees and damaging the credit. That suit echoes a 2013 Los Angeles Times investigation into the bank's practices.

Wells has denied those allegations, blaming the problems on a few rogue employees, whom the bank has disciplined or fired.

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Johnson Johnson



July 20th, 2015

We can and We Must #MakeHIVstory

By Brian Woodfall, M.D., Head of Development and Global Medical Affairs, Infectious Diseases and Vaccines at the Janssen Pharmaceutical Companies of Johnson & Johnson

As I arrived at the International AIDS Society conference this weekend, my mind wandered to the last time the IAS conference was in Vancouver in 1996.

Back then, HIV was still a mysterious and invariably fatal disease. It was also a divisive one, with patients frequently marginalized and the event itself scathingly labelled an "AIDS Circus Comes to Town" by some in the Canadian media.

Yet that 1996 conference provided a watershed moment: the arrival of highly active antiretroviral therapy (HAART). This ground-breaking method of combination therapy literally changed HIV treatment overnight and meant patients with months to live suddenly faced the prospect of surviving for many years.

Fast forward to today and our world is very different. There is still much to do, particularly in places like Africa, Eastern Europe and Latin America, but in many cases, new and improved therapies have turned HIV from a death sentence to a chronic, treatable condition. As people with HIV increasingly enjoy normal lifespans, at Janssen we continue to seek out and collaborate with the best scientists to develop potentially even better, more convenient treatments.

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July 9th, 2015

Relentless. Forward. Motion.

Editor's Note: Starting on July 14, ultra-endurance brothers Scott and Rhys Jenkins from Wales, United Kingdom, hope to set the World Record for the Fastest Double Crossing of Death Valley on Foot' by attempting to run



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Everyone else is talking about our company, so why can't we? There are approximately 128,000 people who work for Johnson & Johnson and its operating companies around the world. This blog is an opportunity for us to find a voice, — and start some conversations, give our perspective and share some stories — that often get lost in formal communications about the work we do and the things we value.

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OUR VIDEOS



10 marathons in four days. The pair is also hoping to raise £10,000 or \$14,000 for Save the Children and Operation Smile – two signature partners of Johnson & Johnson. In addition to raising funds on their own, the brothers are supporting the charities by raising funds through the Johnson & Johnson Donate a Photo app and the Charity Miles app. Scott, who works for our DePuy Synthes business, shares his trepidation about the almost impossible race terrain and his motivation to help children around the world.

By Scott Jenkins, Sales Consultant for DePuy Synthes in Great Britain

On Tuesday (July 14), my younger (and in his humble opinion, better looking) brother and I will be attempting to run a double crossing of Death Valley in California, trying to set a new world record in the process. Rhys and I have aptly named this challenge the Death Valley Double. To date, only eight individuals have attempted such a feat and only three have managed to complete it.

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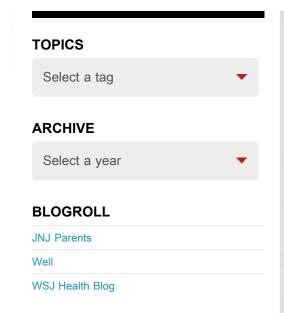


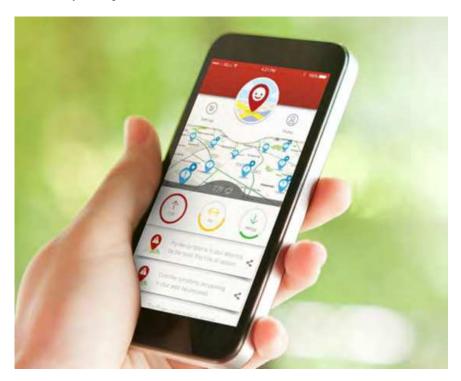


July 7th, 2015

Using Technology to Take The Guesswork Out of Upper Respiratory Symptoms

By Sumeet Narula, Digital Brand Manager, McNeil Consumer Healthcare





Many of us tap into the knowledge of our communities for restaurant recommendations, parenting advice, checking the weather, and staying on top of the most talked-about stories of the day. But what if we could also utilize our communities to stay better informed about our health?

That's what our team at McNeil Consumer Healthcare asked as we considered how to better serve people who suffer from upper respiratory illnesses symptoms such as cough, runny nose, or itchy eyes. We know is that it's confusing for people to determine the source of their symptoms — allergies, a cold or the flu – which is crucial for determining the best treatment option. We also know that there are various triggers for respiratory symptoms, including pollen, viruses, and weather changes.

Clearing up this confusion and helping people track the environmental factors that aggravate upper respiratory illness was the inspiration for our new HEALTHYDAY App. Using a patent-pending algorithm, HEALTHYDAY aggregates anonymous health data from the same trusted sources that doctors and hospitals use. It combines this data with anonymous social mentions of illnesses or symptoms in real time to help users see if other people in their community are suffering from upper respiratory illness - and what is causing their symptoms.

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June 24th, 2015

Sports Injury Prevention Programs

Help Keep Kids Moving

With the school year coming to an end, more of our days are spent out on the soccer field or in right field. Unfortunately, with an increase in sports activity parents worry more about their children's risk of sports injury. More than 2.6 million children and adolescents are treated in the emergency department each year for sports and recreation-related injuries. [1] In fact, children aged 15-17 experience the highest emergency room visits for sports injuries, many of which are preventable. [2] These injuries are not limited to contact sports; in fact as many as 70 percent of anterior cruciate ligament (ACL) knee injuries involve little or no contact with the other player. [3]



DePuy Synthes Mitek Sports Medicine has worked with sports medicine orthopedic practices and Safe Kids Worldwide™ for nearly a decade to host educational clinics throughout the country to keep kids moving. This program, called PASSION2PLAY™, educates parents, coaches and young athletes about the importance of preventing sports-related injuries through sponsored educational clinics featuring clinical experts as well as tips for proper warm-up routines, injury prevention strategies and when it might be necessary to seek appropriate medical attention for injuries.

The latest PASSION2PLAY event with Safe Kids Worldwide featured professional football player Rueben Randle, who joined local teens in Waldwick, New Jersey and shared his experience with sports injury in the NFL and the importance of stretching and warming up.

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June 16th, 2015

Cancer and Clots: An Unrecognized and Under-Researched Patient Burden

By Paul Burton, MD, PhD, Vice President, Medical Affairs, Janssen



More than one-third of all men and women in the United States will be diagnosed with cancer over the course of their lives. Living with cancer, the treatments and their side effects are significant burdens on their own. What many people with cancer often don't realize is they are up to five times more likely to develop life-threatening blood clots than people the same age without cancer. These clots can occur deep in the veins in many parts of the body and sometimes travel to the lungs, a condition called venous thromboembolism (VTE). This risk is even more pronounced when patients with cancer undergo chemotherapy.

Blood clots are the second-leading cause of death in patients with cancer. We need a better understanding of how we can treat and prevent them, particularly for a large number of the one million patients who are treating their cancer outside the hospital.

That's why the Janssen Pharmaceutical Companies of Johnson & Johnson, in conjunction with Bayer HealthCare, are furthering our commitment to addressing the most important unmet medical needs of our time by initiating a new research program: CALLISTO. CALLISTO is aimed at generating new evidence in the prevention and treatment of blood clots in patients with a wide range of cancer types.

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June 5th, 2015

Domestic Violence: A Human Health Crisis

By Dr. Husseini Manji, Global Head, Neuroscience, Janssen Research & Development and Dr. Danielle Coppola, Senior Director, Compound Development Team, and Clinical Leader, Janssen Research & Development



When we talk about a public health care crisis, conversations often turn to serious illnesses like diabetes, cancer, and cardiovascular disease. But the growing body of evidence shows that domestic violence can be as devastating as the world's most complex diseases.

The Centers for Disease Control and Prevention (CDC) lists domestic violence — sometimes referred to as "intimate partner violence" or IPV—as a "serious, preventable public health problem." Domestic violence affects individuals and families and places a heavy burden on communities, law enforcement, and health care systems. In the United States alone:

- Twenty-four people per minute are victims of physical violence by an intimate partner.¹ In one study, 53 percent of men and 69 percent of women said they had experienced some form of intimate partner violence before the age of 25.²
- Women ages 16 to 24 are four times more likely than the general population to be victims of partner violence.³
- Up to 70 percent of men who abuse their partners also sexually or physically abuse their children.⁴
- Medical costs associated with intimate partner violence are estimated at \$5.8 billion each year.

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June 4th, 2015

Leading the Way in Orthopaedics Innovation

By Martin Fitchet, M.D., Global Head, Research & Development, DePuy Synthes Companies of Johnson & Johnson



On Thursday, a groundbreaking new era in orthopaedic innovation was launched for the DePuy Synthes Companies of Johnson & Johnson. I had the privilege to join my colleagues and distinguished guests, including Dr Mark Treherne, Chief Executive, UK Trade & Investment for the Life Sciences Organization, for the official opening of the newly redeveloped DePuy Synthes Beeston campus, based in Leeds, United Kingdom (UK). Our Beeston site has undergone extensive redevelopment to establish a leading global facility for Research & Development (R&D) in the field of orthopaedics.

I am incredibly proud to be a part of this exciting new chapter for DePuy Synthes. Our company is the largest, most comprehensive orthopaedics and neuro business that offers an unparalleled breadth of innovations to help advance the health and well-being of people around the world.

When it comes to advancements in orthopaedics, innovation is critical. By expanding our capabilities through state-of-the-art facilities at the Beeston campus, our R&D team will be better able to foster innovation, creating solutions to meet the needs of our patients and customers, while nurturing local talent and providing a significant contribution to the local economy.

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June 2nd, 2015

Now is the Time for Personal Care Products Safety Reform

By Jeff B. Smith, President, U.S. Skincare, Johnson & Johnson Family of Consumer

Companies



It's been more than 70 years since the United States last updated our laws regulating personal care products, which include products from baby shampoo to anti-wrinkle creams. We think you'll agree that public health and safety laws passed in the late 1930s deserve to at least be revisited for accuracy and relevancy. It's for that reason the Johnson & Johnson Family of Consumer Companies supports modernizing a law that will enhance the U.S. Food and Drug Administration's (FDA) authority to regulate personal care products, helping to bring peace of mind to consumers across the United States.

The Johnson & Johnson Family of Consumer Companies supports the Personal Care Products Safety Act sponsored by Senators Diane Feinstein (D-CA) and Susan Collins (R-ME). We welcome the opportunity to work with Congress and the U.S. FDA to better serve consumers and we thank Senators Feinstein and Collins for their bipartisan leadership on this important issue.

For more on our position on the Personal Care Products Safety Act, see here.

In short, Johnson & Johnson is supporting legislation that willrequire the registration of manufacturing facilities for personal care products;

- require industry to report adverse events to FDA;
- standardize Good Manufacturing Practices (GMPs) for cosmetics and personal care products;
- and grant the FDA mandatory recall authority.

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June 1st, 2015

J&J Recognized for Environmental Excellence at CleanMed

By Al lannuzzi, Ph. D., Senior Director, Environment, Health, Safety & Sustainability

May 12-14th, the health care industry came together in Portland, Oregon for CleanMed 2015 – the nation's premiere conference for sustainability in health care. The message at this year's conference was clear: Within the health care industry, there are opportunities abound to lead the way for positive impact. At Johnson & Johnson, we continue to work across our organization to drive more sustainable practices that respond to our customers' needs and fulfill our Citizenship & Sustainability priorities to advance human health and wellbeing, help to safeguard the planet, and lead a dynamic and growing business responsibly.



As part of our efforts to advance sustainability in health care, we partnered with Practice Greenhealth to field a survey at CleanMed and glean insights from attendees on their facilities' sustainability initiatives and challenges. Most notably for the future of our Medical Devices and Janssen businesses, the 277 survey respondents voiced there is room for improvement when it comes to the health care sector leveraging its purchasing power to buy more sustainable products and services — nearly 41 percent of respondents said the sector is doing "poorly" in this area, while 50 percent said the sector is doing a "good" job.

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May 28th, 2015

A New Kind of Leadership: CEO Alex Gorsky Addresses JHU Carey Graduates

Johnson & Johnson Chairman and

CEO Alex Gorsky gave this year's commencement address at the Johns Hopkins Carey Business School, where he spoke about values-based leadership and advised the graduating class about how to find purpose in their lives.



"I believe we need a new kind of leader and a new kind of leadership," he said. "Business leadership has a role in and a responsibility for creating a better society." Gorsky also advised the students to "understand the basic importance of taking care of yourself and going the distance."

"The careers you have ahead are a marathon, not a sprint," he added.

Read the full text of Alex Gorsky's speech here.

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Shale Is 'Here to Stay' Conoco Chief Tells OPEC

by Javier Blas June 4, 2015 — 6:08 AM CDT Updated on June 4, 2015 — 8:30 AM CDT



ConocoPhillips CEO Ryan Lance said, "We could be a stable supplier of crude to the global markets." Photographer: F. Carter Smith/Bloomberg

When Ryan Lance, chief executive officer of ConocoPhillips, told an OPEC conference in 2012 the industry was under-estimating shale, oil was trading near \$100 a barrel and his warning fell on deaf ears.

Two years and a price crash later, Lance returned to the same forum on Thursday and had no problem winning the attention of officials and executives. Shale oil "is here to stay," Lance said, speaking over a chart showing the almost vertical rise in U.S. shale output.

His message: shale has not only transformed the global energy industry, but has also proved far more resilient to lower oil prices than most had expected. It's a truth the global oil industry is rapidly taking on board.

In June 2012, when Lance spoke at the last biennial seminar held by the Organization of Petroleum Exporting Countries, the U.S. was pumping 6.2 million barrels a day. Now, it produces 9.5 million barrels a day, the highest since 1972.

The increase -- 3.3 million barrels a day over three years -- is largely due to shale producers and is larger than the current output of the United Arab Emirates, OPEC's third-largest producer behind Saudi Arabia and Iraq.

"Ryan Lance's speech was listened to a lot more carefully this time than in 2012," said Jamie Webster, senior director at IHS Energy consultant. "What he said would come has come."

From Rex Tillerson, CEO of Exxon Mobil Corp., to Ben van Beurden, his counterpart at Royal Dutch Shell Plc, oil captains said in Vienna this week that shale was weathering cheap oil far better than expected by cutting costs and focusing on the best drilling areas.

BP Plc CEO Bob Dudley summarized the new view, saying in Vienna: "It has been very resilient -- the industry didn't know it."

Resilient Shale

The surge in shale production -- and its immunity to lower prices -- has re-drawn the global energy map, forcing OPEC six months ago into a policy U-turn that sent oil prices from \$100 to \$60.

For most executives participating at the OPEC seminar, the question is no longer at what price shale producers would go bankrupt, but at what point they start drilling again, boosting output further.

With the support of billions of dollars in fresh debt and equity issuance, companies from Whiting Petroleum Corp. to EOG Resources Inc., have indicated that if oil prices stabilize at about \$65 a barrel, they will start growing again.

Lower Costs

Lance said that shale break-even costs have dropped 15 percent to 30 percent in recent months while the amount that drillers are able to suck out of the ground from each well has increased up to 30 percent.

"This business will survive at \$100 Brent oil pricing and it will survive at \$60-70 Brent pricing," he said.

Conoco believes that the best parts of the U.S. shale industry can generate returns of 10 percent with oil prices as low as \$40 a barrel. If true, that puts shale on an equal footing with conventional fields and well above deepwater offshore projects and Canadian tar sands, which require higher prices.

While other industry leaders avoided pinning down the level at which shale is profitable, Claudio Descalzi, the head of Italian oil giant Eni SpA, used an athletic metaphor to explain the strength of shale.

Marathon Runners

"The shale industry is like a sprinter, very agile. They run, they win, they stop and rest, and they do it again," he said in an interview in Vienna. "Shale is very resilient."

Meanwhile, major oil companies are like marathon runners. "And you can't run one marathon after another one," he said.

The unexpected staying power of shale production, coupled with surging output from Saudi Arabia and Iraq, could cap the recovery in oil prices, analysts and traders said.

Chris Bake, a senior executive at Vitol Group, the world's largest independent oil trader, said in an interview in May that shale producers could add up to 500,000 barrels a day of extra output of West Texas Intermediate recovers to \$70 a barrel. The U.S. benchmark traded \$59.40 a barrel on Thursday.

Robert McNally, president of oil consultant Rapidan Group in Washington, said shale oil would continue to surprise the industry with its flexibility, cost cutting ability and improved efficiency.

"We are in the early innings of a long game," he said in Vienna.

Forbes «



Loren Thompson (http://www.forbes.com/sites/lorenthompson/) Contributor

I write about national security, especially its business dimensions.

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Lockheed Martin Announces Sikorsky Purchase And Strategic **Review Of Services Portfolio**

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Lockheed Martin Chairman & Chief Executive Officer Marillyn Hewson disclosed a major reshaping of her company's business mix on Monday, purchasing the Sikorsky helicopter operations of United Technologies at an after-tax cost of \$7.1 billion while putting \$6 billion in Lockheed's existing services businesses under review for potential sale or spinoff. The moves would not impact company plans to continue boosting shareholder returns through dividends and share buybacks, and would likely strengthen company financials over time by substituting higher-margin rotorcraft work for commodity IT and technical services.

Lockheed Martin, the world's largest defense contractor, frequently adjusts its business mix to reflect market conditions and emerging opportunities. However, the scale of the moves announced Monday are by far the biggest strategic changes the company has undertaken since Hewson was elevated to CEO in January of 2013. During her tenure the company's share price has risen from below \$90 to over \$200 as net profit margins and dividends per share have risen rapidly, but domestic demand for defense goods has remained soft due to congressionally-mandated budget caps (Lockheed contributes to my think tank and is a longstanding consulting client).

Acquisition of Sikorsky for an after-tax price less than its 2014 sales will improve Lockheed's market positioning — already viewed as the best among first-tier defense contractors — in several ways. First, it will boost annual revenues over \$7 billion by acquiring rotorcraft franchises central to U.S. military operations. Second, it will reduce company reliance on the triservice F-35 fighter program, which had been projected to grow to over a

quarter of corporate revenue as production ramped up. Third, it will accelerate the company's efforts to derive a greater share of income from foreign sources, since Sikorsky last year generated nearly half of its revenues overseas (Lockheed was at about 20%). Finally, it will provide the combined enterprise with a multi-decade stream of sustainment revenues as it supports thousands of Black Hawks and other Sikorsky helicopters in use around the world.



The U.S. Army's highly versatile UH-60 Black Hawk helicopter can reposition a 105 mm howitzer with ammo and its four-man crew in a single flight — not to mention performing dozens of other missions from electronic warfare to medical evacuation. (Retrieved from Wikimedia)

The Sikorsky transaction is probably the biggest domestic defense acquisition that Lockheed Martin could have accomplished without running afoul of regulators. Pentagon policymakers have effectively banned mergers among the top five military contractors, but Sikorsky is much farther back in the rankings. Because Lockheed Martin does not currently assemble rotorcraft, adding Sikorsky to its holdings would not materially increase concentration in any particular segment of the domestic defense market. Pentagon policy on mergers is aimed mainly at assuring that military customers will have competing sources for major combat systems, and the deal announced Monday would not reduce the number of military helicopter providers.

In the near term, acquisition of Sikorsky will boost Lockheed Martin's annual revenues and backlog significantly — at least until the disposition of the services businesses under review is determined. Zack's research service reports that Sikorsky revenues will grow to \$10 billion annually over the next ten years largely on the strength of U.S. military orders. On the negative side, Sikorsky margins have recently trailed those of other United Technologies operating units, which was a consideration in the decision of CEO Gregory Hayes to sell the business. Lockheed will need to work at getting those margins up to the level of its other military hardware businesses.

However, United Technologies (another contributor to my think tank) is not just a defense contractor, it is an industrial conglomerate. Sikorsky's business lines provide only modest synergy with its other businesses, which include Pratt & Whitney engines, Otis elevators, and Carrier air conditioners. For Lockheed Martin, though, the synergies are obvious. The company manufactures a wide array of electronic equipment used on rotorcraft such as the Black Hawk, and the Mission Systems & Training business to which Sikorsky will be added was already partnered with Sikorsky on a new presidential helicopter, a combat search and rescue rotorcraft for the Air Force, and a naval helicopter.

A significant factor in the appeal of Sikorsky to Lockheed Martin leadership that has been neglected in media coverage is its extensive "aftermarket" business, meaning post-production support and sustainment of fielded helicopters. Sikorsky has delivered many thousands of rotorcraft to military and commercial customers all over the world, and those aircraft need continuous servicing to remain airworthy. The business will realize a continuous stream of revenues through mid-century and beyond providing spare parts, mission equipment, overhauls and maintenance. As Boeing's defense business has demonstrated, the margins on these services often exceed those from building and selling new airframes.

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GOLDMAN: Sell Shake Shack



MYLES UDLAND JUL. 9, 2015, 9:00 AM

Goldman Sachs thinks it is time to sell Shake Shack.

In a note to clients on Thursday, the firm downgraded its rating on the burger chain to Sell from Neutral, keeping its \$37 price target unchanged.



REUTERS/Brendan McDermid

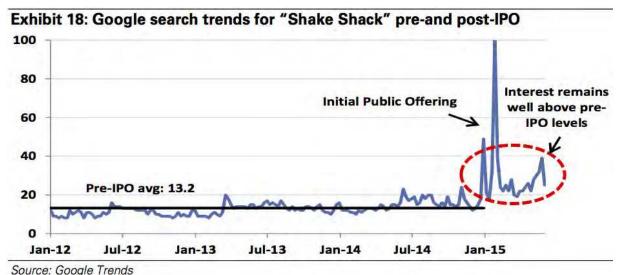
Over the past month, Shake Shack shares are down over 30%. Shares closed at \$51.60 on Wednesday.

In its note, Goldman cites two main factors in cutting its outlook for the stock:

- 1. **The stock is expensive.** Shake Shack still trades at 70 times its projected profit over the next 12 months, which Goldman notes is "significantly higher" than its peers.
- 2. **The IPO lockup expiration is coming.** On July 29, the period following Shake Shack's initial public offering in which company insiders couldn't sell shares is expiring, and Goldman says its research shows stocks typically underperforming in the weeks leading up to and following this period.

On the plus side, Goldman thinks Shake Shack is still only at 8% of its projected US company capacity, and the firms says there is still positive buzz around the company.

Looking at Google search trends, the firm says interest around the company "has remained elevated, which we believe should support traffic growth."



Goldman Sachs

And so while Goldman still likes Shake Shack as a company over the long-term, right now the stock is not attractive.

This downgrade makes Goldman just the latest firm to say Shake Shack shares are too expensive, with Morgan Stanley earlier this week slashing its rating, sending shares of the company down about 10%.

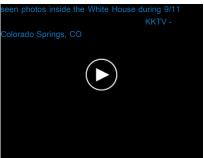
NOW WATCH: We got inside Shake Shack and found out what the hype is all about



More: Shake Shack Goldman Sachs Sell Side Research

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Aviation JULY 2, 2015

Northrop Grumman, area suppliers meet at Wichita symposium

Sen. Jerry Moran address attendees of 2015) **Bo Rader** - The Wichita Eagle







ed the afternoon-long event. (July 2,

BY JERRY SIEBENMARK

The Wichita Eagle



Darrin Teeter wants to do business with Northrop Grumman.

And he hopes that the Northrop Grumman Kansas Supplier Symposium on Thursday at the National Center for Aviation Training will put him in front of the right people at the aerospace and defense contractor that could lead to new work for Fiber Dynamics.

"It appears to be the right place at the right time," said Teeter, CEO of Fiber Dynamics, which designs and fabricates composite parts for general aviation and unmanned aircraft manufacturers.

Teeter was one of more than 160 people and 85 companies who participated in the afternoon-long event organized by U.S. Sen. Jerry Moran and the Greater Wichita Economic Development Coalition.

"I know we will demonstrate to (Northrop) the value of our work ethic, our technical skills and training, our motivation, and our experience that allows us to be suppliers to a company that subcontracts to the tune of \$7.5 billion every year with companies across the country," Moran said in his opening remarks at the symposium.

The symposium included individual presentations and panel discussions with Northrop officials and representatives of local suppliers that are subcontracting with the \$24 billion company, including Globe Engineering and Integra Technologies.

Officials from Northrop, which has more than 180 Kansas subcontractors and employs 640 people at operations in Leavenworth, Olathe and Topeka, said they want to do more business with small and mid-sized suppliers in the state. In the past three years, Northrop has sent \$132 million in work to Kansas suppliers.

"Engaging with new suppliers, especially those that are small, women-owned, minority- or veteran-owned companies are critical to our success," Gloria Pualani, corporate director of Northrop's

global supplier diversity programs, said at the symposium. "It's also an important part of our company values and a business imperative to support small and mid-size businesses – and their growth.

"Events like this help us connect with a broad and diverse base of potential suppliers."

Pualani said after her presentation that about 20 Northrop staff were on hand for Thursday's event representing different parts of the company's businesses. She said they came from different parts of the country, such as California, Maryland and Falls Church, Va., where Northrop is based.

But what Teeter and other suppliers were most looking forward to were the one-on-one meetings with Northrop officials that were scheduled throughout the afternoon. A Northrop spokeswoman said the one-on-one meetings had a 10-minute time limit.

Teeter said he was "very appreciative" of GWEDC and Moran organizing the symposium.

Jim Barnes, president of Harlow AeroStructures, said he was hoping to make connections as well with Northrop officials – connections that will hopefully lead to new work.

"It's an opportunity for us to diversify," Barnes said.

Moran said in an earlier interview that his recent appointment as co-chair of the Senate's aerospace caucus gives him access to defense companies looking to broaden their base of suppliers.

"The relationships I have with defense companies, we want to utilize the opportunity to get them connected with Kansas businesses," Moran said at the time.

Following the symposium, officials from the Wichita Aero Club, Spirit AeroSystems, GWEDC and the Aerospace Industries Association planned to host a reception for Moran at NCAT, recognizing his new leadership role on the caucus.

Reach Jerry Siebenmark at 316-268-6576 or jsiebenmark@wichitaeagle.com. Follow him on Twitter: @jsiebenmark.

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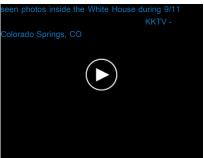
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Business

Kimberly-Clark CEO continues to foresee strong growth in China



By GARY JACOBSON □

Staff Writer

Published: 23 July 2015 08:00 PM Updated: 23 July 2015 08:00 PM

The rapid rise and recent fall of China's stock markets has caused plenty of concern about the potential impact on that country's fast-growing economy.

But not for Kimberly-Clark Corp. CEO Tom Falk.

"Of all the places in the world I worry about right now, China is not very high on the list," Falk said in an interview Thursday.

He said China's stock market bubble probably won't affect the overall economic momentum the country is building.

"Their market is probably going to be several times the size of the U.S. market in our lifetimes," Falk said.

In its earnings report Thursday, Irving-based Kimberly-Clark said its organic revenue in China was up 30 percent in the second quarter of this year. Huggies diapers are now available in 110 Chinese cities, up from 105 at the end of 2014.

In a conference call with analysts, Falk said Huggies could eventually be available in at least 200 Chinese cities.

Brazil is still the company's largest emerging market, accounting for about \$1 billion in revenue.

"But China is gaining fast," Falk said. China accounted for about 3 percent — or roughly \$600 million — of the company's total revenue last year.

Kimberly-Clark reported \$4.6 billion in revenue in the quarter ending June 30, compared with \$4.9 billion a year ago.

While organic revenue increased 4 percent, the strong dollar relative to other currencies reduced overall revenue by 10 percent, the company said.

K-C reported a net loss of \$305 million for the period after about \$1.3 billion in pension settlement costs (\$800 million after tax). In the second quarter a year ago, K-C had net income of \$500 million.

For the year, the company narrowed its adjusted earnings per share guidance to be in the range of \$5.65 to \$5.80. Previously, the guidance was \$5.60 to \$5.80.

In trading Thursday, K-C shares closed at \$111.63, down 57 cents.





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Kinder Morgan is the largest energy infrastructure company in North America. We own an interest in or operate approximately 84,000 miles of pipelines and 165 terminals. Our pipelines transport natural gas, refined petroleum products, crude oil, carbon dioxide (CO₂) and more. We also store or handle a variety of products and materials at our terminals such as gasoline, jet fuel, ethanol, coal, petroleum coke and steel.

The revolutionary shale plays across the United States are creating a tremendous need for more energy infrastructure, which bodes well for us. We invest billions of dollars each year to grow the company by building new and expanding existing assets to help ensure that a variety of energy products get delivered into the marketplace. As of mid-April 2015, Kinder Morgan had \$18.3 billion in expansion and joint venture investments in our backlog which have a high certainty of completion and will drive future growth at the company across all of our business segments.

In most of our businesses we operate like a giant toll road and receive a fee for our services, generally avoiding commodity price risk. For example, our projected 2015 cash flows are approximately 85 percent fee-based and 94 percent fee-based or hedged. Our customers include major oil companies, energy producers and shippers, local distribution companies and businesses across many industries.

Kinder Morgan is committed to being a good corporate citizen and conducting ourselves in an ethical and responsible manner. We spend hundreds of millions of dollars each year on integrity management and maintenance programs to operate our assets safely and to protect the public, our employees, contractors and the environment. Operationally, we continue to perform better than our industry peers relative to environmental, health and safety measures.

Kinder Morgan is the largest midstream and the third largest energy company in North America with an enterprise value of approximately \$130 billion.

NYSE

[as of July 26, 2015 5:00 PM ET] KMI(/investor/KMI_stock_quote.cfm)·34.85-0.10

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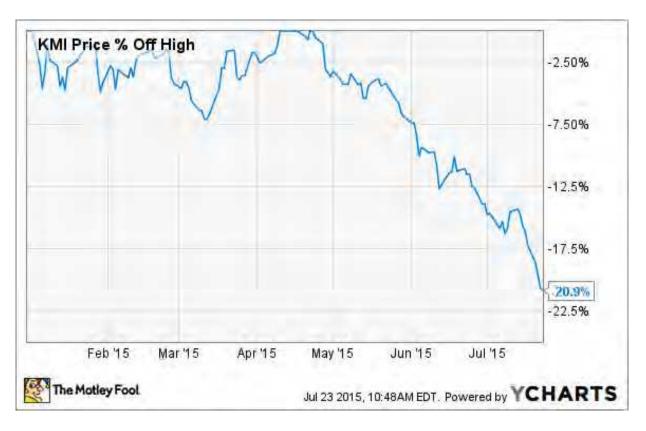
Kinder Morgan Inc's Founder Thinks its Stock is Stupid Cheap

Kinder Morgan Inc founder Rich Kinder spouts off on the company's sagging stock price in light of its recent sell-off.



Jul 25, 2015 at 12:00PM

Kinder Morgan Inc's (NYSE: KMI) stock price has hit a rough patch over the past couple of months, as it is down more than 20% off the recent peak as we can see in the chart below.



KMI DATA BY YCHARTS

This slump is coming despite the fact that Kinder Morgan's business is remarkably solid. For 2015, 94% of its segment earnings are locked-in via commodity price hedging or fee-based contracts. That's why the company was able to deliver solid second-quarter earnings as it produced more than \$1 billion in distributable cash flow enabling it to raise its dividend again. Further, the company reiterated its future growth plan and significantly bolstered its backlog of future projects.

Given that solid performance and unchanged outlook, an analyst on the company's recent quarterly conference call asked the company's management team for their thoughts on the sliding stock price. Here's the response from company founder Richard Kinder.

The market is being irrational again

Kinder started off his comments by saying,

I'm the largest shareholder and I don't like it a bit. What's the old saying, I'm mad as hell and I won't take it anymore, but I can't use the latter part of that, obviously. Now I think in the long run, markets are rational. In the short term, they can be irrational.

As the largest shareholder in the company, Kinder's net worth is directly correlated to the stock price. In fact, the most recent slide has pushed his net worth down nearly 20% to \$10.4 billion according to *Forbes*, which is reason enough to be upset. However, it's a slide he chalks up to the market acting irrational in the short-term, as it tends to do.

This is a buying opportunity

The market's stupidity aside, he is still "very disappointed with the performance [of the stock] over the last few weeks". That said, when the market acts irrational it opens up opportunities for long-term investors. In fact Kinder pointed out that some of the company's management team, which are all long-term investors in the company, "bought more stock" so he actually sees the dip as being "a good thing" as "it's a buying opportunity" even if the company just doesn't see a

legitimate catalyst for the recent slump. In fact, just this week Kinder took his own advice and forked over \$3.5 million to buy 100,000 more shares of the stock.

He then reminded investors what Kinder Morgan brings to the table. Kinder pointed out that despite the downturn in the oil market,

We're pretty able to profit and produce very nice cash flow regardless of where the commodity prices are. To me, that's what makes this a great story. When you're out there saying we're paying a 5% dividend, we're giving you 10% growth for the next 6 years, that to me is just a wonderful story based on \$130 billion of enterprise value.

Here, Kinder provides three key reasons to be bullish on the company. First, it generates gobs of cash flow no matter what commodity prices do because the bulk of its income is derived from fee-based assets. Second, it then returns a huge slug of that cash back to investors via a very compelling dividend that's currently yielding around 5%. Finally, the company has a clear line of sight to grow that payout by 10% annually for at least the next half dozen years, which is quite a fete for a company of its massive size. Add it all up and the recent sell-off makes the stock look unreasonably cheap as it should be selling for a premium given what it offers investors.

Investor takeaway

Kinder Morgan's founder is very disappointed by the company's' current stock price as the recent slide makes no sense. The company's operations are strong and its growth plan remains intact. He thinks the market is being irrational and that the recent drop is a buying opportunity for investors.

This \$19 trillion industry could destroy the Internet

One bleeding-edge technology is about to put the World Wide Web to bed. And if you act quickly, you could be among the savvy investors who enjoy the profits from this stunning change. Experts are calling it

the single largest business opportunity in the history of capitalism... The Economist is calling it "transformative"... But you'll probably just call it "how I made my millions." Don't be too late to the party -- click here for one stock to own when the Web goes dark.

Matt DiLallo has the following options: short January 2016 \$32.5 puts on Kinder Morgan and long January 2016 \$32.5 calls on Kinder Morgan. The Motley Fool recommends Kinder Morgan. The Motley Fool owns shares of Kinder Morgan. Try any of our Foolish newsletter services free for 30 days. We Fools may not all hold the same opinions, but we all believe that considering a diverse range of insights makes us better investors. The Motley Fool has a disclosure policy.

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Is Bristol-Myers Squibb Outpacing Johnson & Johnson?

Bristol-Myers Eliquis may soon be outselling Johnson & Johnson's Xarelto.



Jul 25, 2015 at 10:03AM



SOURCE: FLICKR USER PAUL

A race for dominance in the anticoagulant market is heating up between **Bristol-Myers Squibb** (NYSE: BMY) and **Johnson & Johnson** (NYSE: JNJ) with the winner standing to reap billions of dollars in additional revenue over the coming years.

Taking the lead?

The market for drugs that help blood travel more freely through a patient's body has long been dominated by the anticoagulant warfarin, but warfarin's decades long stranglehold on this big and growing market is coming to an end because new factor Xa targeting drugs launched by Bristol-Myers and J&J arguably work better, are easier to dose, and come with fewer side effects.

Until recently, the market share leading factor Xa inhibitor has been J&J's Xarelto, a drug that won FDA approval in 2011 as a treatment for deep vein thrombosis, or DVT, in patients undergoing knee and hip surgery and to reduce the risk of stroke in people with an abnormal heart rhythm. The drug has since won approval for use as a treatment to reduce the broader risk of DVT and pulmonary embolism. In 2014, Xarelto's sales reached \$1.5 billion up 74% from 2013, but while that's impressive, investors shouldn't get too complacent with Xarelto's performance. In the second quarter, Xarelto's year-over-year revenue growth slowed to 30.7% in part because of rising use of Bristol-Myers Eliquis.



SOURCE: BRISTOL-MYERS SQUIBB

Pfizer, won FDA approval in late 2012 for use in reducing the risk of stroke, but it wasn't until the FDA agreed to expand Eliquis' label to include DVT, post hip and knee surgery clot prevention, and pulmonary embolism that Eliquis sales took off.

Approval in those indications put Eliquis squarely head-to-head against Xarelto and Eliquis could be winning the match.

In 2014, Eliquis sales soared to \$774 million from \$146 million in 2013 and in the second quarter, Eliquis net produce revenue surged to \$437 million from \$171 million a year ago. Eliquis' 155% year-over-year growth in the second quarter trounced Xarelto's — albeit very respectable — 30% growth.

Eliquis' arguably better prescribing label is one big reason why Eliquis' quarterly sales are catching up to Xarelto's. Although both Xarelto and Eliquis effectively inhibit factor Xa, only Eliquis is proven in clinical trials to reduce the risk of bleeding and the risk of stroke versus warfarin.

Looking forward

Xarelto's one-pill daily dosing remains an advantage over Eliquis' twice daily dosing, but that advantage may not be enough to keep Xarelto's quarterly sales out in front of Eliquis.

Regardless, there should be plenty of room for both Bristol-Myers and Johnson & Johnson to make money in this indication going forward. Industry experts estimate that spending on anticoagulants totals at least \$10 billion per year and one of the major reasons that Xarelto and Eliquis sales aren't higher is because there has yet to be a drug approved that reverses their effect. However, that could soon change given that Portola Pharmaceuticals andexanet alfa has successfully reversed the effects of both Xarelto and Eliquis in trials. If andexanet alfa gets the go ahead from regulators, then it's hard to imagine that Xarelto and Eliquis won't be splitting a much bigger pie in a year or two.

This \$19 trillion industry could destroy the Internet

One bleeding-edge technology is about to put the World Wide Web to bed. And if you act quickly, you could be among the savvy investors who enjoy the profits from this stunning change. Experts are calling it the single largest business opportunity in the history of capitalism... *The Economist* is calling it "transformative"... But you'll probably just call it "how I made my millions." Don't be too late to the party -- click here for

one stock to own when the Web goes dark.

Todd Campbell has no position in any stocks mentioned. Todd owns the equity research firm E.B. Capital Markets, LLC. E.B. Capital's clients may have positions in the companies mentioned. The Motley Fool recommends Johnson & Johnson. Try any of our Foolish newsletter services **free for 30 days**. We Fools may not all hold the same opinions, but we all believe that **considering a diverse range of insights** makes us better investors. The Motley Fool has a **disclosure policy**.

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Parker can be found on and around everything that moves. We manufacture highly engineered components and systems that facilitate motion and the controlled flow of liquids and gasses for a wide variety of global markets to increase the productivity and profitability of our customers. Parker's focus on solving some of the world's greatest engineering challenges sparks our passion for innovation and secures our future growth. Our technological expertise creates a more sustainable future for us all.

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A Parker employee makes a positive impact on the world, and in turn, we strive to make a positive impact on the lives of our employees. We're looking for inspired communicators, resourceful problem solvers, inquisitive thinkers and dedicated professionals who want to learn and grow with us.



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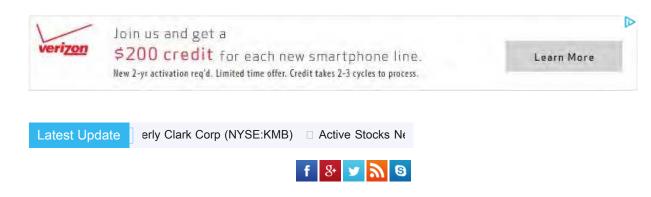
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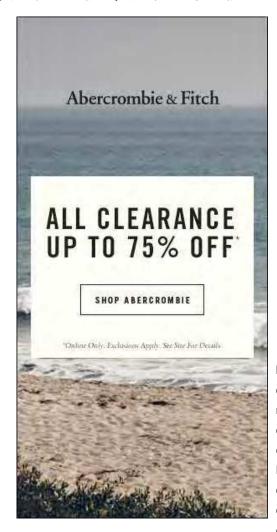
Active Stock's News Report: Kinder Morgan, Inc. (NYSE:KMI), Groupon, Inc. (NASDAQ:GRPN), Marsh & McLennan Companies, Inc. (NYSE:MMC)

□ Jul 21, 2015 □ Mark Anthony □ Business & Finance □ 0

On Monday, Shares of Kinder Morgan, Inc. (NYSE:KMI), lost - 1.60% to \$36.30.

Kinder Morgan,
declared that its board
of directors authorized
KMI's partner,
Tennessee Gas
Pipeline Company
(TGP), to proceed with
TGP's Northeast
Energy Direct (NED)
project's "market path"
segment from Wright,
New York, to Dracut,

Massachusetts, a \$3.3



billion investment
designed to serve
natural gas utilities and
electricity generation
customers in New
England. NED is
designed to supply a
critical energy resource,
domestically produced,

abundant and clean natural gas, to assist alleviate New England's uniquely high natural gas and electricity costs caused by the severely limited natural gas transportation capacity presently serving the region. NED will be an extension off of KMI's existing TGP pipeline, which has safely delivered natural gas to New England since the 1950s.

According to the independent electric system operator ISO New England, New Englanders paid over \$7 billion more for electricity during the winters of 2013/14 and 2014/15 than what they paid for electricity during the winter of 2011/12, largely as a result of the existing lack of pipeline capacity servicing the region. Independent studies have concluded that the New England region will require 2 Bcf/d of gas capacity over the coming years. NED is indispensable to meet these existing and future supply requirements. NED will assist to lower natural gas and electricity costs by providing additional scalable transportation capacity attached to low cost, nearby domestic and abundant natural gas that is already accessible to and benefiting other regions of the United States.

Kinder Morgan, Inc. operates as an energy infrastructure and energy company in North America. The company operates through Natural Gas Pipelines, CO2, Terminals, Products Pipelines, Kinder Morgan Canada, and Other segments.

Shares of **Groupon, Inc. (NASDAQ:GRPN)**, declined -0.98% to \$5.07, during its last trading session.

Blue Calypso, Inc. (BCYP) (OTCQB:BCYPD), developer of patented mobile consumer shopping engagement solutions for retailers and product manufacturers, recently declared a favorable set of Claim Construction or "Markman" rulings from the United States District Court for the Eastern District of Texas in its ongoing patent infringement case against Groupon (GRPN), Foursquare, Yelp (YELP) and IZEA.

On July 14, 2015, the Court entered its Memorandum Opinion and Order regarding claim construction. In that Order, the Court analyzed eleven (11) claim terms. The Court agreed with Blue Calypso's proffered construction as to seven (7) terms, chose its own construction as to three (3) terms and agreed with Defendants' proffered construction as to only one (1) term. The Court also expressly rejected Defendants' argument that the term "testimonial tag" was indefinite.

Groupon, Inc. operates online local commerce marketplaces that connect merchants to consumers by offering goods and services at a discount worldwide. It also offers deals on products for which it acts as the merchant of record.

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Finally, Marsh & McLennan Companies, Inc. (NYSE:MMC), ended its last trade with 0.14% gain, and closed at \$58.45.

Marsh & McLennan Companies,

declared that it has designated Don Bailey as head of global sales.

Based in New York, Mr. Bailey will be a member of the Marsh Executive

Committee and report directly to Peter Zaffino, president and CEO of

Marsh.

In this role, Mr. Bailey will lead Marsh's cales function globally and continue the firm's focus on driving profitable growth. He will work closely with Marsh business leaders in all regions to enhance sales capabilities to grow top line revenue.

Commenting on his new role, Mr. Bailey said: "I am delighted to be working with a team of global business leaders to further embed Marsh's world-class sales culture. Our success will be predicated upon creating value for clients through exceptional services and differentiated product offerings."

Marsh & McLennan Companies, Inc., a professional services firm, provides advice and solutions primarily in the areas of risk, strategy, and people worldwide. It operates in two segments, Risk and Insurance Services; and Consulting.

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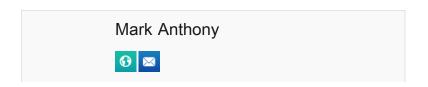
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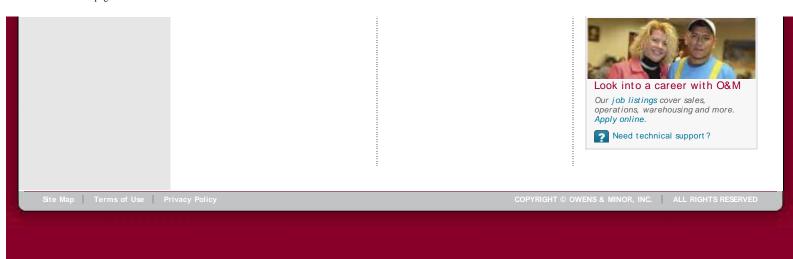
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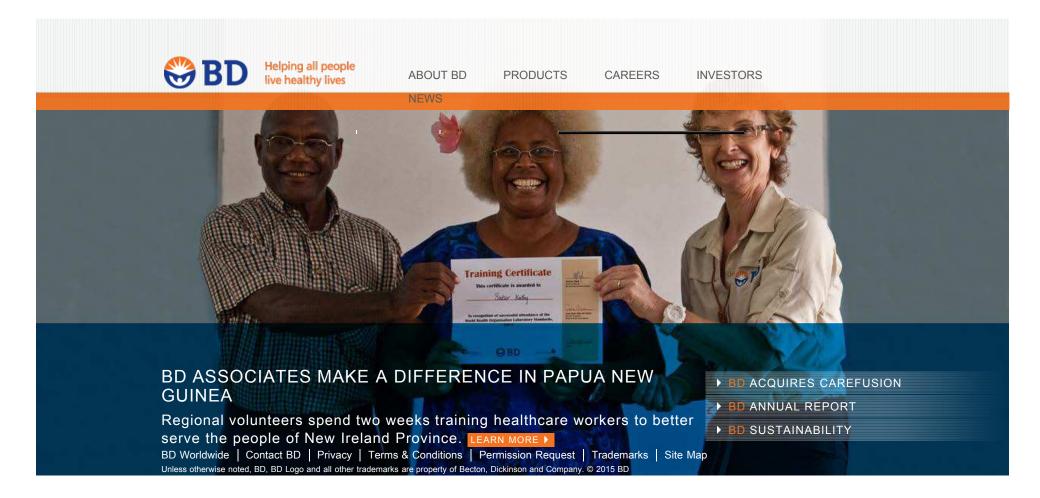
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Exhibit 50



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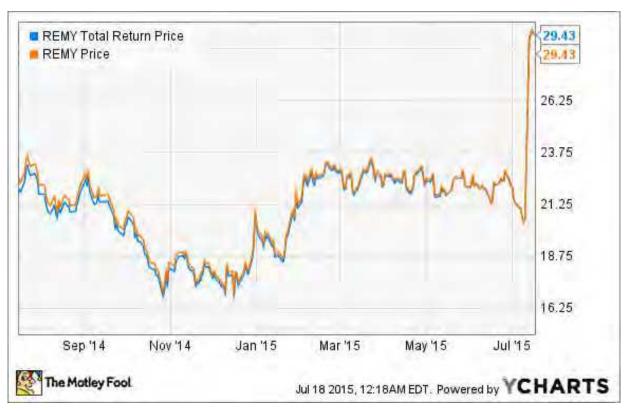
Exhibit 51

BorgWarner to Remy: You Will Be Assimilated

Is that a good thing for BorgWarner shareholders, or not so much?



Jul 20, 2015 at 2:05PM



SOMETHING AMAZING HAPPENED TO REMY INTERNATIONAL'S STOCK PRICE LAST WEEK. GEE, I WONDER WHAT THAT MIGHT HAVE BEEN? <u>REMY TOTAL RETURN PRICE</u> DATA BY <u>YCHARTS</u>.

BorgWarner (NYSE:BWA) has an urge to merge -- but shareholders aren't 100% certain that's a good thing.

News that Borg will acquire engine-parts maker Remy International

(NASDAQ:REMY) in a \$1.2 billion merger sparked a 2.2% rise in BorgWarner stock when the deal was first announced last week. (Remy, as the acquiree, naturally experienced an even larger price spike -- 42%.) One week later, Remy has held on to its higher stock price. BorgWarner, on the other hand, has lost all of its gains -- and then some.

Why?

The answer: Part 1

In part, you can attribute the decline in BorgWarner's stock price to a downgrade from British banker Barclays. On Thursday, Barclays removed its "overweight" ranking on Borg, and slashed its target price from \$70 to just \$55 a share, not far from where BorgWarner trades today.

According to Barclays, Chinese car sales slipped 3% in June, and sales of both automobiles and auto parts are expected to decline further in H2 2015. With China accounting for about 40% of BorgWarner's backlog, says Barclays, this makes Borg vulnerable to a slowdown in the Middle Kingdom.

Indeed, according to data from <u>S&P Capital IQ</u>, China has been Borg's fastest-growing market these past few years, with sales there more than doubling since 2011. Any slowdown in China is bound to put a crimp in Borg's earnings growth rate (currently projected at 13% annually over the next five years).

That said, it's not all bad news for Borg. One month's results -- or even one half-year's -- are not necessarily indicative of where China's going in the future. The country may yet pull out of its automotive slump. And even if it doesn't, Borg got barely 10% of its sales from China last year. Even a major slowdown in that market won't be fatal to Borg's business.

But if China's not the whole story behind BorgWarner's share price slump, then what is?

Could it be... Remy itself?

The answer: Part 2

According to BorgWarner's press release, the Remy acquisition is worth an enterprise value of \$1.2 billion. How that breaks down is basically \$950 million for Remy's shares, plus about \$250 million for Remy's debt, minus its available cash.

Relative to Remy's annual sales of \$1.2 billion, that works out to an enterprise value-to-sales ratio of 1.0, or a (<u>more standard valuation</u>) price-to-sales ratio of 0.8. Meanwhile, Borg's own stock sells for a P/S ratio of 1.4. So either way you look at it, when valued on sales, Borg appears to be getting Remy on the cheap. But there's a third way to look at valuation on this acquisition.

BorgWarner, you see, is a much more profitable operation than Remy. Over the past 12 months, Borg earned an 8.2% net profit margin on its \$8.3 billion in sales. Remy's profit margin, in contrast, was a mere 1.5%.

Because Remy is so much less profitable than Borg per dollar of revenue, Remy's price-to-earnings ratio is actually three times more expensive than Borg's -- 53 times earnings, versus Borg's 17.6 times earnings valuation. Simply put, if Remy looks like a bargain when its shares are valued on P/S, it's anything *but* a bargain when you value it on P/E.

The future for Remy and BorgWarner

For this deal to make sense, BorgWarner must work hard, and fast, to wring efficiencies from its new prize. Borg management thinks this is possible, saying it "has identified purchasing efficiencies, redundant public company expenses, other cost synergies and numerous opportunities to accelerate growth through the combined business." With these costs cut, Borg believes the deal will "be accretive to earnings in the first year."

The good news is that at the price Borg is paying, bringing Remy's P/E down to Borg's level (or put another way, bringing its profit up) should require no more than a tripling of Remy's current abysmal net profit margin. Were Remy earning 4.5% margins on its \$1.2 billion in profit, its net profits would be \$54 million instead of less than \$18 million, and its \$950 million market cap would be only 17.6 times those hypothetical profits -- equivalent to Borg's valuation. And while a big jump, 4.5% net profits would still be only about *half* the level of profitability Borg already gets from its own operations.

Ordinarily, tripling a subsidiary's profit margin would seem like a tall order. But Borg must believe this is possible -- because it's already earning even better profits itself. If it can just teach Remy to do likewise, this deal could actually start to make sense -- and BorgWarner's stock price can start to head north again.

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Fool contributor **Rich Smith** does not own shares of, nor is he short, any company named above, but he does have a family member who works for Remy. You can find Rich on Motley Fool CAPS, publicly posting his stock picks and pans under the handle **TMFDitty**, where he's currently ranked No. 351 out of more than 75,000 rated members.

The Motley Fool recommends BorgWarner. Try any of our Foolish newsletter services free for 30 days. We Fools may not all hold the same opinions, but we all believe that considering a diverse range of insights makes us better investors. The Motley Fool has a disclosure policy.

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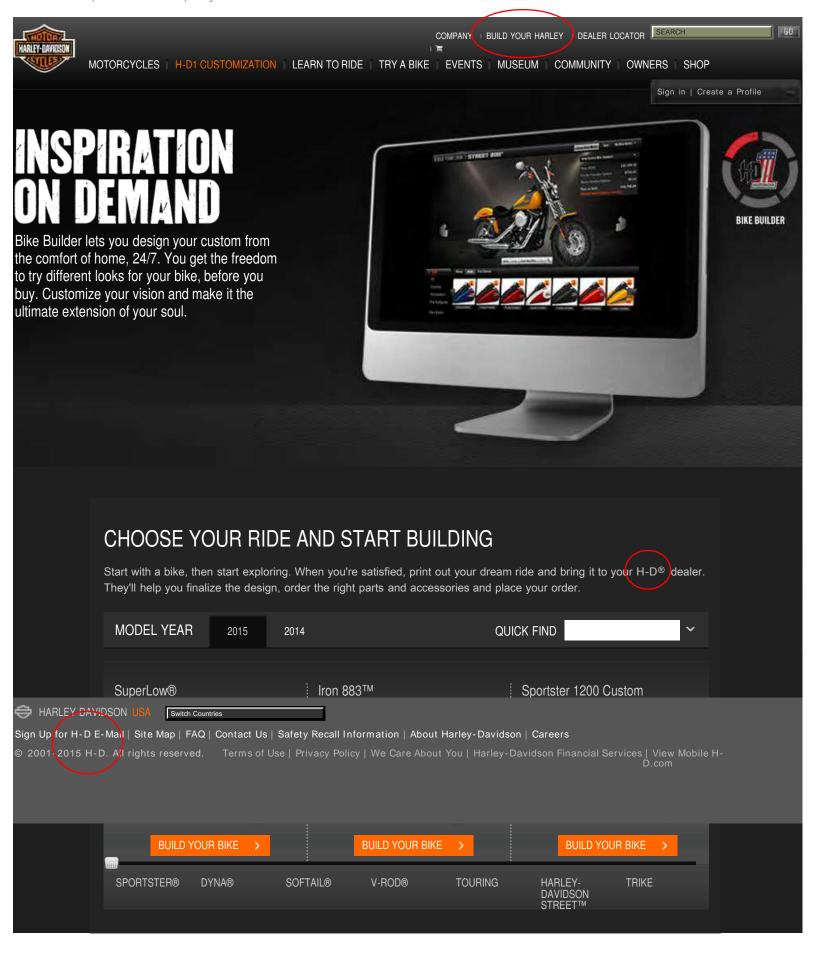
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Exhibit 52



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Exhibit 53



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Features

Booz Allen, the World's Most Profitable Spy Organization

By Drake Rennett and Michael Riley June 20, 2013



Photograph by Don Bayley/Getty Images



How this week's cover got made In 1940, a year before the attack on Pearl Harbor, the U.S. Navy began to think about what a war with Germany would look like. The admirals worried in particular about the Kriegsmarine's fleet of U-boats, which were preying on Allied shipping and proving impossible to find, much less sink. Stymied, Secretary of the Navy Frank Knox turned to Booz, Fry, Allen & Hamilton, a consulting firm in Chicago whose best-known clients were Goodyear Tire & Rubber (GT) and Montgomery Ward. The firm had effectively invented management consulting, deploying whiz kids from top schools as analysts and acumen-for-hire to corporate clients. Working with the Navy's own planners, Booz consultants developed a special sensor system that could track the U-boats' brief-burst radio communications and helped design an attack strategy around it. With its aid, the Allies by war's end had sunk or crippled most of the German submarine fleet.

That project was the start of a long collaboration. As the Cold War set in, intensified, thawed, and was supplanted by global terrorism in the minds of national security strategists, the firm, now called Booz Allen Hamilton (BAH), focused more and more on government work. In 2008 it split off its less lucrative commercial consulting arm—under the name Booz & Co.—and became a pure government contractor, publicly traded and majority-owned by private equity firm Carlyle Group (CG). In the fiscal year ended in March 2013, Booz Allen Hamilton reported \$5.76 billion in revenue, 99 percent of which came from government contracts, and \$219 million in net income. Almost a quarter of its revenue—\$1.3 billion—was from major U.S. intelligence agencies. Along with competitors such as Science Applications International Corp. (SAIC), CACI, and BAE Systems (BAESY), the McLean (Va.)-based firm is a prime beneficiary of an explosion in government spending on intelligence contractors over the past decade. About 70 percent of the 2013 U.S. intelligence budget is contracted out, according to a Bloomberg Industries analysis; the Office of the Director of National Intelligence (ODNI) says almost a fifth of intelligence personnel work in the private sector.

It's safe to say that most Americans, if they'd heard of Booz Allen at all, had no idea how huge a role it plays in the U.S. intelligence infrastructure. They do now. On June 9, a 29-year-old Booz Allen computer technician, Edward Snowden, revealed himself to be the source of news stories showing the extent of phone and Internet eavesdropping by the National Security Agency. Snowden leaked classified documents he loaded onto a thumb drive while working for Booz Allen at an NSA listening post in Hawaii, and he's promised to leak many more. After fleeing to Hong Kong, he's been in hiding. (He didn't respond to a request for comment relayed by an intermediary.)

The attention has been bad for Booz Allen's stock, which fell more than 4 percent the morning after Snowden went public and still hasn't recovered. Senator Dianne Feinstein (D-Calif.), who chairs the Select Committee on Intelligence, has called for a reexamination of the role of private contractors in intelligence work and announced she'll seek to restrict their access to classified information. Booz Allen declined to comment on Snowden beyond its initial public statement announcing his termination.

Graphic: Chart: How Booz Allen Hamilton Swallowed Washington

The firm has long kept a low profile—with the federal government as practically its sole client, there's no need for publicity. It does little, if any, lobbying. Its ability to win contracts is ensured by the roster of intelligence community heavyweights who work there. The director of national intelligence, James Clapper—President Obama's top intelligence adviser—is a former Booz Allen executive. The firm's vice chairman, Mike McConnell, was President George W. Bush's director of national intelligence and, before that, director of the NSA. Of Booz Allen's 25,000 employees, 76 percent have classified clearances, and almost half have top-secret clearances. In a 2003 speech, Joan Dempsey, a former CIA deputy director, referred to Booz Allen as the "shadow IC" (for intelligence community) because of the profusion of "former secretaries of this and directors of that," according to a 2008 book, *Spies for Hire: The Secret World of Intelligence Outsourcing*. Today Dempsey works for Booz Allen.

It's possible that fallout from the Snowden revelations will lead to significant changes in intelligence contracting. The Senate intelligence committee has been pressuring spy agencies for years to reduce their reliance on contractors. And in the age of the sequester, even once untouchable line items such as defense and intelligence spending are vulnerable to cuts.

Video: Was Booz Allen Looking to Fill Snowden's Old Job?

Yet conversations with current and former employees of Booz Allen and U.S. intelligence officials suggest that these contractors aren't going anywhere soon. Even if Snowden ends up costing his former employer business, the work will probably just go to its rivals. Although Booz Allen and the rest of the shadow intelligence community arose as stopgap solutions—meant to buy time as shrunken, post-Cold War agencies tried to rebuild after Sept. 11—they've become the vine that supports the wall. As much as contractors such as Booz Allen have come to rely on the federal government, the government relies on them even more.

Edward Snowden was not hired as a spy. He's a mostly self-taught computer technician who never completed high school, and his first intelligence job was as a security guard at an NSA facility. In an interview in the *Guardian*, he says he was hired by the Central Intelligence Agency for his computer skills to work on network security. In 2009 he left for the private sector, eventually ending up at Booz Allen. The job he did as a contractor for the NSA appears to have been basic tech support and troubleshooting. He was the IT guy.

People in intelligence tend to divide contract work into three tiers. In the first tier are the least sensitive and most menial jobs: cutting the grass at intelligence facilities, emptying the trash, sorting the mail. In classified facilities even the janitors need security clearances—the wastebaskets they're emptying might contain national secrets. That makes these jobs particularly hard to fill, since most people with security clearances are almost by definition overqualified for janitorial work.

Snowden, with his computer expertise, fit in the middle tier: people with specialized skills. When the U.S. military first began ramping up its use of contractors during the Vietnam War, these jobs made up much of the hiring—the Pentagon was desperate for repairmen for its increasingly complex weapons and transport systems. Also in this tier are translators, interrogators, and investigators who handle background checks for government security clearances. Firms such as CSC (CSC) and L-3 Communications (LLL) specialize in this tier. Booz Allen competes for some of that work, but it tends to focus on the highest tier: big contracts that can involve everything from developing strategies to defeat al-Qaeda in the Islamic Maghreb to designing software systems to writing speeches for senior officials. Tier three contractors often are, for all intents and purposes, spies—and sometimes spymasters.

Blog: Spying for the NSA Is Bad for U.S. Business

William Golden heads a recruiting and job placement company for intelligence professionals. In mid-June, he's trying to fill three slots for contractors at the Defense Intelligence Agency. As it happens, Booz Allen isn't involved, but these are the sort of jobs the firm has filled in thousands of other instances, Golden says. Two postings are for senior counter-intelligence analyst openings in Fort Devens, Mass., one focusing on the threat to federal installations in Massachusetts, the other on Southwest Asia. The contractors would be trawling through streams of intelligence, from digital intercepts and human sources alike, writing reports and briefings just like the DIA analysts they would be sitting next to. Both postings require top-secret clearances, and one would require extensive travel. The third job is for a senior linguist fluent in Malayalam, spoken mostly in the Indian state of Kerala, where there's a growing Maoist insurgency. That the Pentagon is looking for someone who speaks the language suggests American intelligence assets are there. The listing specifies "austere conditions."

Golden says he constantly sees openings at Booz Allen and other contractors for "collection managers" in posts around the world. "A collection manager is someone at the highest level of intelligence who decides what assets get used, how they get used, what goes where," he says. "They provide thought, direction, and management. They basically have full status, as if they were a government employee. The only thing they can't do is spend and approve money or hire and fire government workers."

The pay fluctuates widely, depending on the candidates' skills and experience. "This money comes from the intelligence budget, so there isn't much oversight," Golden says. He estimates that the Malayalam translator job, for example, will pay between \$180,000 and \$225,000 a year. That's partly to compensate for the austere conditions as well as insurgents' tendency, unmentioned in the posting, to target translators first. The pay is also a reflection that the past 10 years have been boom times for private spies.

Story: Edward Snowden Tries to Win Friends in Hong Kong

The large-scale hiring of intelligence contractors can be traced directly to Sept. 11. The al-Qaeda attacks triggered a bipartisan chorus on Capitol Hill for more and better intelligence—and correspondingly massive increases in the federal budget to pay for it. There's plenty of evidence that the effort has disrupted terrorist plots. It has also created a lot more contractor work. The intelligence community had been shrinking throughout the 1990s; with the Soviet Union gone, intelligence didn't seem as important to politicians, and there were budget cuts and a wave of retirements at the CIA, NSA, and DIA. In late 2001 the only way to get enough experienced people to meet demand was with contractors, many of them the same experts the government had trained decades before and then let go. "We were able to expand very, very quickly by using contract personnel," said Ronald Sanders, then ODNI's associate director for human capital, in a 2008 call with reporters. "They were able to come in quickly and perform the mission even as we were busy recovering the IC's military and civilian workforce."

Contractors such as Booz Allen were seen as a temporary measure—surge capacity—to give the government time to hire and train its own employees. Michael Brown, a retired rear admiral, tells about trying to develop the Navy's cyberwarfare programs in 2001. None of his personnel were cybersecurity experts, so he trained Navy linguists—traditionally considered some of the brainier sailors—for the job. "The Navy was able to use contractors to augment those trainees while it developed a permanent program," Brown says. He himself now works for RSA Security (EMC), a Bedford (Mass.) cybersecurity company that does a lot of business with the government.

As the government intelligence workforce has grown, however, contractor head count hasn't returned to pre-Sept. 11 levels. In the 2008 interview, Sanders said only 5 percent of contractors working for various intelligence agencies were for "surge requirements." In a report published this March, the Senate intelligence committee complained that "some elements of the IC have been hiring additional contractors after they have converted or otherwise removed other contractors, resulting in an overall workforce that continues to grow." The ODNI's public affairs office disputes this, saying "core contractor personnel" has been cut by 36 percent since 2007.

Story: The Government Is Spying, Does Anyone Even Care?

Proponents of intelligence contracting say there are good reasons private firms have become a permanent part of the landscape. Not every task requires a full-time federal employee. Building a classified facility or a new database is a short-term project that's ideal for contract labor—the job takes a few months or a couple years, and it doesn't make sense to hire and train new employees just for that. In theory, contract labor is cheaper, since the government isn't on the hook for the worker's salary after the job is over, much less his health care or pension. For the military, it's often the only way to get additional work done without violating the caps on manpower written into legislation. And it's abetted by the dysfunctional funding environment in Washington, where money even for long-term projects is increasingly appropriated in year-to-year emergency supplemental spending bills, creating a sense of uncertainty that makes it harder to hire permanent employees.

Senior intelligence officials also say contractors are a pipeline to innovation in the private sector. The contemporary version of Q's laboratory—that storied incubator for James Bond's spy toys—is Silicon Valley, where startups are developing technology that can discern patterns and connections in oceans of raw data, among other feats of computer science. In an interview with *Bloomberg Businessweek*, Vice Chairman McConnell points out that while Booz Allen is well-known for hiring former spies like himself, the company also recruits heavily from tech. A 2008 study by the ODNI reported that 56 percent of intelligence contractors provided unique expertise not found among government intelligence officers.

"As DNI, I absolutely wanted the lift and creativity and the power of the private sector," says McConnell, using the initials for his old job. "Because I'd become irrelevant if I didn't stay in tune with technology and its evolution. The most innovative, creative, dominant country in the world is the United States, and it's mostly because of the efficiency of the free market." Some intelligence contractors, such as Palo Alto (Calif.)-based Palantir Technologies, have gone so far as to locate in commercial tech hubs rather than the traditional intelligence corridor that stretches 50 miles from Reston, Va., to the Fort Meade (Md.) headquarters of the NSA.

Video: U.S. Said to Swap Intelligence With Many Companies

Even so, spending can spin way out of control. According to the ODNI, a typical contractor employee costs \$207,000 a year, while a government counterpart costs \$125,000, including benefits and pension. One of the most notorious projects was the NSA's Trailblazer. Intended as an advanced program to sort and analyze the vast volume of phone and Web traffic that the NSA collects hourly, Trailblazer was originally set to cost \$280 million and take 26 months. Booz Allen was part of a five-company consortium working on the project. (SAIC was the lead contractor.) "In Trailblazer, NSA is capturing the best of industry technology and experience to further their mission," Booz Allen Vice President Marty Hill said in a 2002 press release. In 2006, when the program shut down, it had failed to meet any of its goals, and its cost had run into the billions of dollars. An NSA inspector general report found "excessive labor rates for contractor personnel," without naming the contractors. Several NSA employees who denounced the waste were fired; one, a senior executive named Thomas Andrews Drake, was charged under the Espionage Act after he spoke to a reporter. (The charges were eventually dropped.)

A U.S. Department of Homeland Security computer systems contract awarded to Booz Allen around the same time had similar issues. Over the course of three years, costs exploded from the original \$2 million to \$124 million, in large part, auditors at the Government Accountability Office would later report, because of poor planning and oversight. But even when the problems came to light, as the *Washington Post* reported, DHS continued to renew the contract and even give Booz Allen new ones, because the agency determined it couldn't build, or even run, the system on its own.

Booz Allen spokesman James Fisher and NSA spokeswoman Vaneé Vines both declined to comment on Trailblazer. (Former NSA Director Michael Hayden has since said publicly that the project failed because the spy agency's plan for it was unrealistic.) Fisher also declined to comment on the DHS contract; Peter Boogaard, a spokesman for that agency, did not immediately return a call for comment.

Booz Allen and its competitors are able to keep landing contracts and keep growing, critics charge, not because their expertise is irreplaceable but because their Rolodexes are. Name a retired senior official from the NSA or the CIA or the various military intelligence branches, and there's a good chance he works for a contractor—most likely Booz Allen. Name a senior intelligence official serving in the government, and there's a good chance he used to work for Booz Allen. (ODNI's Sanders, who made the case for contractors, is now a vice president at the firm, which declined to make him available for an interview.) McConnell and others at Booz Allen are quick to point out that the contracting process has safeguards and oversight built in and that it has matured since the frenzied years just after Sept. 11. At the same time, the firm's tendency to scoop up—and lavishly pay—high-ranking intelligence officers once they retire suggests the value it places on their address books and in having their successors inside government consider Booz Allen as part of their own retirement plans.

Story: Five Ouestions Edward Snowden Didn't Answer

Rich contractor salaries create a classic public-private revolving door. They pull people from government intelligence, deplete the ranks, and put more experience and knowledge in the private sector, which makes contractors even more vital to the government. "Now you go into government for two or three years, get a clearance, and migrate to one of the high-paying contractors," says Steven Aftergood, who heads the Project on Government Secrecy at the Federation of American Scientists. That's what Snowden did. "You have to have a well-developed sense of patriotism to turn that money down," Aftergood says.

As a result, says Golden, the headhunter, a common complaint in spy agencies is that "the damn contractors know more than we do." That could have been a factor in the Snowden leak—his computer proficiency may have allowed him to access information he shouldn't have been allowed to see. Snowden is an anomaly, though. What he did with that information—copying it, getting it to the press, and publicly identifying himself as the leaker—cost him his job and potentially his freedom, all for what appear so far to be idealistic motives. The more common temptation would be to use knowledge, legally and perhaps not even consciously, to generate more business.

Video: Companies and Government Swapping Intelligence

In the wake of the Snowden leak, Congress is paying more attention to contractors like Booz Allen and the role they play in intelligence gathering. Lawmakers on both sides of the aisle say that the ease with which Snowden was able to gain access to and divulge classified information highlights the need for greater oversight of contractors' activities. "I'm just stunned that an individual who did not even have a high school diploma, who did not successfully complete his military service, and who is only age 29 had access to some of the most highly classified information in our government," Senator Susan Collins (R-Me.) told reporters on Capitol Hill on June 11. "That's astonishing to me, and it suggests real problems with the vetting process. The rules are not being applied well or they need to be more strict."

Changing them, however, may be easier said than done. "At the very highest level, whether at the White House or the Pentagon, there will always be a contractor in the room," says Golden. "And the powers that be will turn around and say, 'That's a brilliant plan, how do we make that work?' And a contractor will say, 'I can do that.'"

Video: Will China Grant Asylum to Snowden?
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With Robert Levinson



Bennett is a staff writer for Bloomberg Businessweek in New York. Riley is a reporter for Bloomberg News in Washington.

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Chris Lynch 2 years ago

The real American welfare system.

42 - Reply Share



gdown - Lyears ago

Google is the most profitable spy organization.

50 - Reply Share



Pablo Juan - papar - 2 years ago

Don't forget, the Internet was invented by DARPA. What better way to win a war than to create - - - dll b- farmlet l- the f d- ---

Booz Allen, the World's Most Profitable Sov Organization - Businessweek

the environment where wars will be tought in the tuture.. create the environment, create the rules, win the war.

7 - Repty Shares



koconor100 | 2 years ago

"The System" is trying to figure out what it did wrong to let snowden betray them.

The system is immune to the simple logic that it trained all the little children in america to believe in truth , justice, freedom of speech, etc etc.

The System refuses to see that Snowden didn't betray them. They betrayed Snowden. They stopped being the system they claimed to be.

23 - Reply - Share >



AndrewPflug - koconor100 r 2 years ago

the system's penalties are not strong enough to thwart such traitors...stiffer penalties for whistler blowers of America's Secrets would do enough...

1 - Reply Share



Eric Wolf 2 years ago

The largest welfare system in America is that which funnels money into the military-industrial-intelligence complex. 700 billion a year can feed, educate and heal a whole lot of US citizens.

31 - Reply Share)



crescentiang - Eric Wolf - 2 years ago

Small change compared with the medical-industrial complex. It absorbed 1/5 of GDP this year and that doubles every 20 years. The military is a flea bite in comparison. Even so, the spying is a direct threat to democracy.

11 - Repty | Share s



Kiers

I think the medical industrial complex wants IN on the military industrial complex: witness the breathless CNN report about vulnerability of hacking of medical instruments at beth israel hospital in (i forget which city).

If you put a FOR PROFIT motive on every single crass policy, excess is the result



Guest 2 years ago

the revolving door keeps going round and round...

12 - Reply - Share /



Peter Tin King Cheung - 2 years ago

there are a lot more private contractors then those listed as FBI or CIA or any other government employees

11 - Reply Share >



Paul Plaine | 2 years ann



Why is America outsourcing National Security?

5 n - Reply - Share >



chagrined - 2 years ago

Our tax dollars are used to pay a private company, Booz Allen, to spy on us. Would Orwell be amused or horrified?

Since Thomas Jefferson warned that the greatest threat to our Democracy is "ignorance," It would be a far, far better thing to spend our tax dollars on education.

5 - V - Reply - Share >



crescentiang - 2 years ago

A mere 4% drop in stock price means Wall Street believes the bugging of America will continue regardless of what the public thinks.

5 A Reply Share >



Bachewy # 2 years ago

Wow. I have never read a bigger, made-up, piece of knee-jerk, journalistic trash article in my life.

4 n + Reply Shares



cincin - 2 years ago

Leave Booz-Allen alone. They're doing an excellent job. National security is NOT the place to do cost cutting. Spreading the work around will mean our greater exposure to crooks—he stole private information—like Snowden. What Snowden did was NOT in the best interests of our nation.

16 - Reply Share>



Dallas Landers / cincin - 2 years ago

Maybe not, but he did bring the issue front and center. Declassifying FISA rulings and being more open about existing programs is a start. Nothing wrong with debating the merits of the programs. That's not possible, if you don't know they exist.

36 - Reply | Share x



JCDavis origin | 2 years ago

National security doesn't include spying on Americans, which seems to be the main job of NSA these days. So I think we should scrap the whole lot of them.

19 A Reply Share >



Bruce dincin 2 years ago

Leave Booz Allen alone? Government contractors are making billions doing very little. While the whole country struggled through the collapse these people lived like kings off the American Taxpayers. We've got 3 or 4 in my town who did no business due only to their government connections it was with the government for fear of not getting paid. Private business had to find a way to make it or break it. They blew it. I say cut 'em off. Been around DC too long.

14 - Reply Share >



paleh0rse - Pruce - 2 years ago

Where did you get the idea that government contractors "do very little"?! I'd say that the average contractor/consultant in DC accomplishes more in eight hours than most actual Federal employees accomplish in a week, or longer.

Unlike most Federal employees, contractors are usually held accountable for their work, or lack thereof. Contractors can and do get fired on the spot, whereas Fed employees take months or years to get rid of even if they blow off and fail to miss every deadline you ever give them.

Please do not equate intel/defense consultants in DC to those that wasted billions in the deserts of Iraq – DC consulting is a completely different world.

BAH, in particular, has assembled some of the best and brightest in the business. Don't let this whole Snowden debacle spiral out of control to the point that you actually damage our national security more than he already has. It's great if this incident inspires a worthwhile national conversation concerning the leaked info, but be sure that the conversation remains focused on our civil liberties -- don't go off course and start breaking other things just for the sake of breaking things.

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16 A V - Reply - Share
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scola251 → paleh0rse - 2 years ago

You are right. They do a lot. That's the problem. They do a lot to harm our country.

stonehillady → Bruce → 2 years ago

Obviously, you never won a contract for the government, it is a dream job that anyone could love to have, whether your spying for them or building a building for the government. You get paid in installments, and all the money needs to spent before the next installment, Americans would be shocked of how much over the top is spent on private contracts. When the governments start to privatize is when the citizens really get ripped off, in cost of materials, labour and the fact that these companies even get a tax break on the enormous profits they get. If your a supplier to a company that gets a Gov. contract, you can tack on another 25% above the usual 2.3 price structure and still it is an accepted price.

That is why Politicians push privatization because like Pelosi and Feinstein their husbands/siblings make all the money once the gov. approves the bids. This is what is happening around the world, it is the reason the populous in Brazil are up-rising, a private contractor has taking over the rail system and then jacked up the fare. This is the order of the NWO which gives private businesses the Job of running the governments with un-deserving profits on the backs of the citizens.

scola251 - cincin · 2 years ago

Snowden was a hero. He brought to light conduct that was clearly unconstitutional. It's time to disassemble the military machine. It costs too much, and does little if anything. It's nothing more than a welfare program that has the added downside of undermining our freedoms. It's time to

stop paying for the empire and return to being a proper Republic like our founders intended.

"National security" is neither in the interest of the nation, nor security. It's pure government waste and the greatest threat to our freedom. These NSA people should be tried for treason.



crescentiang - cindin - 2 years ago

If having "Big Brother" watching you makes you feel more secure, you aren't nearly as paranoid as I am.

```
3 - Reply Shares
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Joe Ratley - cincin | 2 years ago

cincin, are you mentally impaired or do you really work as a spin doctor for Booz? I can't tell.



stonehillady - andn = 2 years ago

Exposure to crooks? Typical reverse accusation here from an obvious un-american commentor, you must be a leftover KGB spy for your certainly not an American that respects the rule of law or the constitution of this nation.

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Reply - Share >
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CommieStooge - 2 years ago

I wasn't terribly surprised by Snowden's revelations that the NSA had the capacity to spy on every American's electronic communications.

Wasn't that what the Patriot Act supposed to be all about - tying together all of the loose ends?

I find the Right's protests highly disingenuous - weren't they the ones who were willing to sacrifice privacy in order to fight terrorism? And comparing the President to Nixon - really!

In the era of Facebook - which I'm NOT a member of, BTW - posting your personal info online where the gov - or an employer - can find it is NOT a good idea.

In one episode of "The Prisoner" Number 2 orders a complete review of how Number 6 spent his day - what he did - who he spoke to, where he went.

Is that so different that what can now be done with a cell phone?

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2 - Reply - Share
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Guest > 2 years ano

So Booz Allen is the new boogey man. When will people realize that the federal government is the bad guy, even when it's helmed by the Savior Obama.

```
5 - Reply - Share >
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pfcwms - 2 years ago

Booz Allen's decision to hire Snowden and its supervision of the leaker both leave a lot to be desired. Wouldn't a government employee be less likely than a contractor to turn against the US government, leak confidential information, and condemn the government from a safe perch overseas?



paleh0rse - picwms - 2 years ago

You've obviously never heard of Aldrich Ames, Robert Hanssen, or David Boone.. or any one

of the countless other Federal employees who have spied for US' adversaries over the years?



Jawaralal_Schwartz - pfcwms | 2 years ago

pfcwms: can't say the public has seen any info on whether Snowden had Booze supervision or government supervision at his site in Hawaii. Many of the butts-in-seats contractors have no supervision from their firms. Their bods, are just rented to the Feds. What is your source that Snowden had Booze supervision?

Also, when it comes to compromise of info: almost all major cases of espionage have involved centrally a US govt civil servant or a member of the USA military deciding to go south. When it comes to "just" leaks, given the law of averages and the composition of the workforce at Federal agencies, the odds would seem to make it more likely that Feds more than contractors are leakers. But who knows what the stats for this really are?

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4 - Reply - Share >
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Tom * plowns 2 years ago

He was a former Government employee. So to answer your question, no.



KafkaPalazzo 2 years ago

I'm sure sinking uboats is more profitable than selling crack on the streets of 'murika.

```
1 A Repty Share
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Bruce 2 years ago

Let's just make sure klepto Claude Cooper from Cleveland and house keeper Clara Clifford are not going to come out of the closet working for the Acme collecting company and come clean with another caper revealing any more US secrets. Poor James Clapper.

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- Reply Share
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ddearborn - 9 months ago

Hmmm

Old thread but worth a comment

"Not every task requires a full-time federal employee" So the solution is to hire private contractors at 5 times the cost of a part time federal employee? The solution also means that "our" intelligence operations are essentially run by "for profit" private contractors. And these contractors work for companies which are owned by other companies whose major stock holders include dual citizens and foreign nationals. And yet now one seems to care about the direct threat to US National security this represents? And make no mistake the moment the US government allowed private companies with foreign ownership to handle Intelligence operations our security was compromised.

The question isn't whether or not these "contractors" have helped thwart "terrorist" attacks. The question we should be asking is; are these compromised private contractors responsible for the terrorist attacks. Why? because without ongoing terrorist threats these slimy companies are out of a job. It is very much akin to the drug companies actively creating and spreading sickness and disease in order to sell more drugs. There is a fundamental and inherent weakness in the clearly idiotic notion



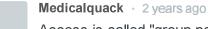
tnat for private for profit corporations will operate in the public interest let alone protect national security. These relationships violate some of the basic tenants of any legitimate state security program. In short anyone who condones these contractors is either a liar or a fool or both.



Kiers · 2 years ago

Great. Even our spying has a FOR PROFIT motive. No wonder there are NO checks and Balances. Govt points to "advances" in private sector, and the private sector blames government for any bad press all the while collecting a paycheck.

Brilliant.



Access is called "group policy" been around for years and everyone uses it but when I heard the general say they were not tracking their system admins...whoa....would this happen on Wall Street, of course not. Someone asleep at the wheel with setting the parameters of group policy on servers and probably even backing it up. Audit tables that are security enforced are usually hidden from all but a few very admins and are vigorously protected and even they have their own audit tables that time stamps and records everything that is accessed. Sounds like an IT issue to me:)



raghavan ts · 2 years ago

don't pay malyalees that much, some booze would be enough



rfra20 · 2 years ago

The Snowden story is sooooo boring. The NSA has been building out bijjillons of terabytes of storage for a decade now. What for - downloading porn? Come on, it's really not THAT hard to figure out, 1+1 =?

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∧ V · Reply · Share >
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Alterity · 2 years ago

If they are doing such a good job, why did 9/11 happen?

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∧ V · Reply · Share >
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Dinosaur zombie robots. They're old, have no consciences and mindlessly obey. Vet out the young, the innovative, the moral, and those who don't care much for accepted wisdom. Bravo Senator Susan Collins, may your insight dissolve every new and changing global security threat facing America.



KefkaPelazzo · 2 years ago

Cause the convoy system had nothing to do with the defeat of uboats.

lawl!



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Exhibit 54





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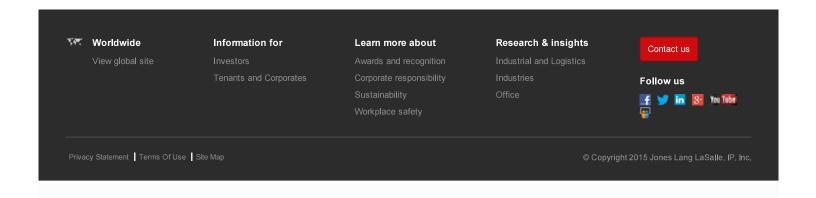
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S&P Capital IQ Speaks Out on Europe's Capital Markets Union

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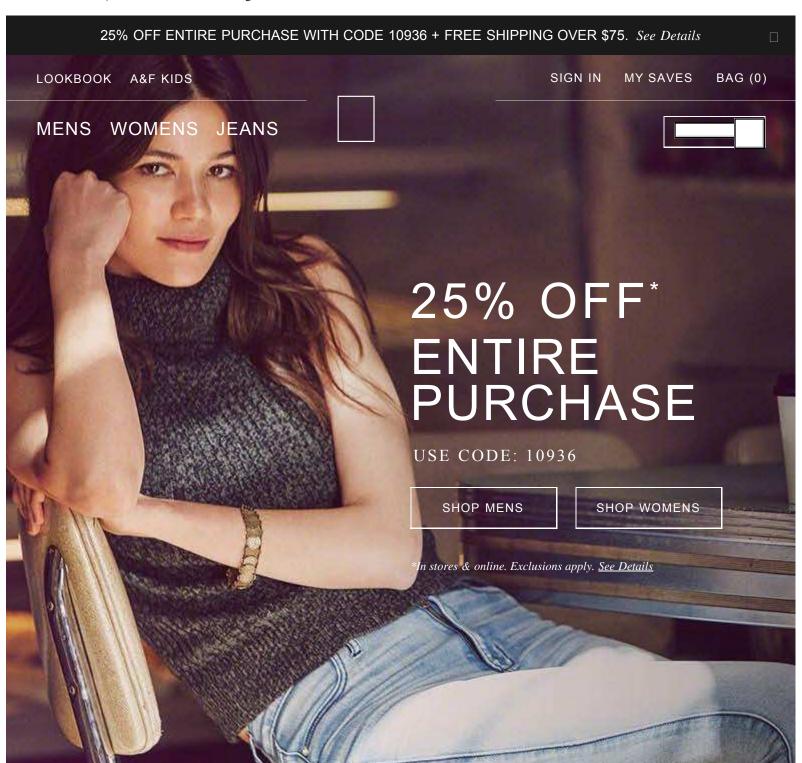


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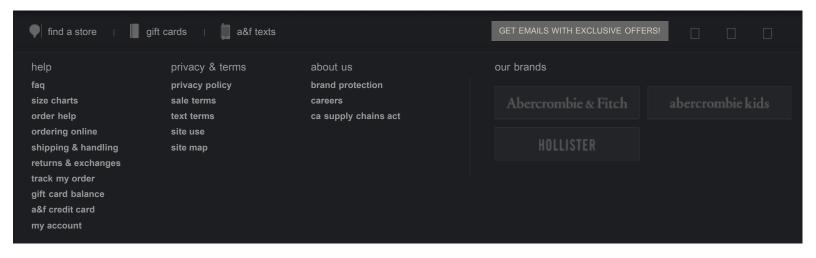




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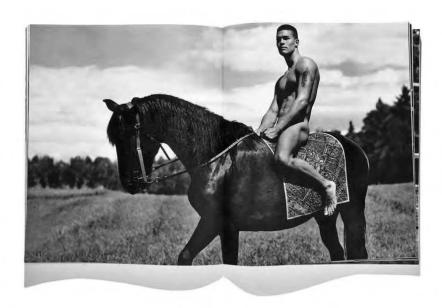


nymag.com/thecut/

February 9, 2014 9:00 p.m.

Why Abercrombie Is Losing Its Shirt

By Matthew Shaer



The corporate headquarters of Abercrombie & Fitch, one of the largest apparel retailers in the world, spills across 500 acres of dense Ohio woodland, about fifteen miles from downtown Columbus. From the outside, the central office cluster resembles an Adirondack lodge as envisioned by a Brutalist—all hard lines and weather-beaten wood. Meals are served in a barn finished in rusted steel, and in the summer, companywide meetings are held in an exposed-concrete courtyard in front of a large fireplace.

Officially, the complex is the work of Ross Anderson of the New York firm Anderson Architects, but it clearly bears the fingerprints of Mike Jeffries, Abercrombie's famously autocratic CEO. Jeffries, Anderson has said, "wanted to make sure the architecture and the brand both spoke in the same voice. They share the same DNA. Each reinforces the other." To enter Abercrombie headquarters is to travel back in time to the world portrayed in the iconic catalogues of the late nineties—everyone is young, good-looking, and, despite the harsh Ohio winters, exceptionally tan. A miasma of Fierce cologne hangs in the air, and pulsating pop echoes through the corridors.

Jeffries, who at 69 years old still has the blond hair of an Abercrombie model—"Dude, I'm not an old fart," he has said of the dye job—works on the second floor in an airy, sun-splashed conference room. He typically receives guests in his standard uniform: an Abercrombie polo shirt, artfully distressed jeans, and a pair of old flip-flops.

From 1992, when he was hired at Abercrombie, to the early aughts, Jeffries presided over one of the more impressive runs in the history of modern American retail. And he did it by turning an all-but-moribund clothing brand, best known as a fusty safari outfitter, into a multibillion-dollar behemoth with more than a thousand storefronts and a style that competitors were tripping over one another to imitate. Unlike his peers, who tended to view the youth market with clinical detachment, Jeffries had a Peter Pan-like ability to commune with the whims of the average American teen. As a former colleague once said, ideally, Jeffries "would like to be a guy with a young body in California." He was able to predict what his customers desired because that's what he desired too.

But by the early aughts, Jeffries was eager to expand the company, and that spring, he summoned a group of executives to his office to discuss the creation of a new line of apparel to be developed under the code name "Concept Four." At the time, Abercrombie comprised three separate brands. Abercrombie Kids was for grade-schoolers; Hollister, a SoCal-inspired line launched in 2000, was for young teenagers; and

Abercrombie & Fitch, with its prep-meets-vintage aesthetic, was for high-school and college kids.

Concept Four, Jeffries announced, would target the professional crowd that had aged out of the core Abercrombie brand. It would still be recognizably Abercrombie—jeans, button-ups, polos—but slightly more muted: no shorts with racy language scrawled across the rear. In order to help implement his vision, he turned to an executive named Alisa Durando, who had spent several years at Abercrombie and was close enough to Jeffries that she was known around the office as "Mike's pet."

At least once a week, Durando's team carted sketches and samples to Jeffries for inspection. Jeffries, typically coming off his regular morning workout at the campus gym, would be perched at the head of the table, flip-flops prominently visible, the sleeves of his polo shirt straining at his biceps. His critiques were precise; very little escaped his notice, including the placement of buttons and logos. As one Abercrombie designer recalls, Jeffries "saw everything. It was this sort of maniacal passion."

Concept Four launched in 2004 as Ruehl No. 925, complete with a fictional backstory, involving a nineteenth-century Greenwich Village merchant, concocted by the marketing department. Initially, Jeffries was optimistic, and he spoke publicly of Ruehl as embodying "the fantasy of college kids of America moving from Indiana to the big city." He invested heavily in an expensive ad campaign featuring black-and-white close-ups of lower-Manhattan brownstones—a self-consciously classier approach than the nude black-and-white images that graced Abercrombie storefronts and shopping bags. And in order to enforce the luxury nature of the brand, he stipulated that apparel prices should be 25 to 35 percent higher than they were at Abercrombie stores.

But Jeffries badly mistimed his entry into the market. Already, online sales were generating an ever-growing pile of revenue for the apparel industry, and fast-fashion retailers such as H&M were churning out low-price approximations of high-end items. Consumers failed to see the appeal of a line that trafficked in the same basic style as Abercrombie, especially when it was

prohibitively expensive. In 2009, after spending untold millions, Abercrombie closed all 29 Ruehl storefronts nationwide. "He has a tough time moving past that classic American aesthetic of jeans and polo shirts," a former Ruehl designer told me. "And when you've got an increasingly globalized, educated audience, that's obviously going to be a serious problem."

For Abercrombie, the collapse of Ruehl presaged a larger decline in sales and stature that persists to this day. Jeffries has been quick to argue that the problems facing the company are the same ones facing the industry as a whole, which is true: Teen spending is at perilously low levels across the board, and arch-competitors American Eagle Outfitters and Aéropostale are feeling the pinch, too.

But Abercrombie's predicament, perhaps because of the cultural clout it once wielded, feels especially acute. "The sexy collegiate image fit into the age of *Gossip Girl* and *90210*," says retail analyst Wendy Liebmann, "but now it feels like it's grounded in an era that's at least ten years old. I don't think shoppers in the U.S. and Canada have totally walked away. But, as a whole, I think shoppers have moved on."

Last year, shortly after Abercombie announced a \$15.6 million quarterly loss, Engaged Capital, a California company that holds about 400,000 shares of Abercrombie stock, wrote an open letter to the Abercrombie board demanding Jeffries's ouster. In the letter, chief investment officer Glenn Welling wrote, "While losing Mr. Jeffries' leadership may have been negatively perceived in the past, it should now be abundantly clear that a transition in leadership is not just needed, but absolutely required, to restore investor confidence in the Company's future."

Initially, the board, thumbing its nose at activists, said that it would extend Jeffries's contract, which was set to expire this month, for another full year. His \$1.5 million base salary remained intact. Then last month Abercrombie stripped Jeffries of his role as chairman of the board and brought in three new board members, including Arthur Martinez, the former CEO of Sears, as chairman.

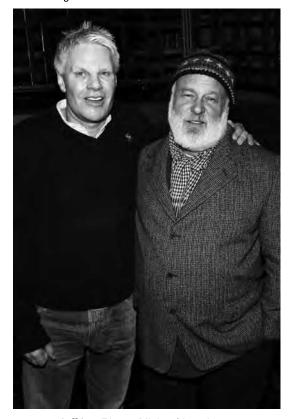
"The board was woefully inadequate," says Brian Sozzi, the head of Belus Capital Advisors. "It was just Columbus businessmen"—businessmen generally seen as not having the acumen or will to push back against Jeffries. "The takeaway here is that they're finally getting retailing experts in there. It's long overdue."

Although Jeffries remains CEO, his position is greatly diminished. It's a startling fall for a man many believed would remain in full control of Abercrombie for years to come. "You have to admire Jeffries for taking what was essentially an irrelevant brand and making it elite and cool, for making it a destination," says Erik Gordon, an assistant professor at the University of Michigan's business school who has studied Abercrombie extensively. "But if our hero has a fatal flaw, it's that the world changed and he hasn't."

Mike Jeffries grew up in Los Angeles and is the product of what he has described as a "very classic American youth," down to the Levi's 501 jeans. From a young age he gravitated to retail, and he worked alongside his father in a chain of family-owned party-supply stores. "I would

always say to my parents, 'We need another store. We need another!' "
Jeffries told Salon in 2006. "I always wanted to expand and get bigger, and I would get off on saying, 'Why do we do the fixtures like this? Why don't we do it another way?' That totally turned me on."

In the early sixties, Jeffries enrolled at Claremont McKenna College, where he studied economics, and after graduation he moved to New York to attend the M.B.A. program at Columbia. His first real job was at Abraham & Straus, a department store eventually acquired by Macy's. There he earned a reputation as a hardworking if authoritarian manager with little interest in team-building. "A gifted guy who does it himself is different from a gifted guy who helps people help



Jeffries Photo: Michael Loccisano

him do it," Alan Gilman, the former chairman of Abraham & Straus, has said. (Abercrombie representatives declined to make Jeffries available for interviews.)

Later, Jeffries moved to the clothier Paul Harris to work in merchandising. He seemed no more connected to his new co-workers than he had at Abraham & Straus. "He kind of looked down on all the people around," a Paul Harris colleague later told *Businessweek*. "He looked like he was listening to you, but I don't think he ever was." He was perpetually clad in a double-breasted navy blazer and dilapidated loafers—a far cry from the youthful style he favors today.

In 1984, Jeffries opened Alcott & Andrews, an upscale women's clothing retailer. He bragged that his ideal clientele was "active, involved, successful, and affluent." (The name was a nod to Jeffries's son, Andrew, and Louisa May Alcott, the favorite author of Jeffries's business partner Coleen Brady, who passed away a few years later.) But Jeffries had spent too lavishly on real estate, and in 1989, besieged by creditors and teetering under \$36.5 million in debt, Alcott & Andrews filed for Chapter 11 bankruptcy protection. In its obituary, the New York *Times* prophetically noted that the store had offered "too little variety in its merchandise."

In 1992, L Brands (then known as the Limited Inc.), an Ohio conglomerate credited with turning around Victoria's Secret, hired Jeffries to help make over another ailing property: Abercrombie & Fitch. Founded a century earlier by the civil engineer and adventurer David T. Abercrombie, the company had originally trafficked in the same hardware Abercrombie had found useful in the field —compasses, canoes, fly reels.

Amelia Earhart was wearing a suede Abercrombie jacket when she flew across the Atlantic in

1932; Abercrombie outfitted Teddy Roosevelt for at least one of his African safaris. In a 1950 profile of Ernest Hemingway, *The New Yorker*'s Lillian Ross accompanied the novelist on a shopping trip to Abercrombie. (For a long time, it was believed that Hemingway took his life with a double-barreled shotgun purchased at Abercrombie, but recent evidence suggests otherwise.)

Eventually, however, Abercrombie's cachet faded, and in 1978, Oshman's, a now-defunct Texas sporting-goods chain, acquired the Abercrombie name for a paltry \$1.5 million. When it gave up on the brand, Abercrombie was pawned off to the Limited and its deep-pocketed CEO, Leslie Wexner. Jeffries was Wexner's hire, and his task was clear: repackage an aging clothing line for a new generation.

Jeffries did not jettison the Abercrombie brand altogether. Instead, he built on its history, proudly emblazoning "1892"—the year David T. Abercrombie opened his first shop, on South Street in lower Manhattan—across sweatshirts and ball caps. His A&F, as it became known, was woodsy and pedigreed (oxfords, cable-knit sweaters) but proudly athletic too (hence all the shredded denim and pre-faded cotton). He had no use for what he termed "cynicism." The Abercrombie world was one of "wonderful camaraderie, friendship, and playfulness that exist in [the teen] generation and, candidly, does not exist in the older generation," he has said.

Above all, Jeffries, who was once married but is now openly gay, sought to sell an image of American beefcake sexuality as he saw it: a world of hairless, amply muscled men tussling in a pastoral Eden. That this world was so highly homoeroticized—the roughhousing in the catalogues seemed perpetually on the point of turning into a full-on orgy—is one of the most poignant ironies of his success. He was persuading straight jock teenagers to buy into a gay man's fantasy of a jock utopia.

To help achieve this aesthetic, Jeffries turned to the photographer Bruce Weber. Among the subjects featured in early Abercrombie posters and catalogues were pre-fame Jennifer Lawrence, January Jones, Channing Tatum, and Ashton Kutcher (the last appeared in the midst of a scrum of lithe, toned man-children in plaid boxer shorts). "Part of Mike's genius," says Craig Brommers, the head of marketing at Abercrombie, "was in pioneering the most dramatic retail theater in the business." In an Abercrombie store, the music was always deafeningly loud, the people were always good-looking (and often blond), the lights were always dim, and the pre-wrinkled apparel was always expensive.

Should there be any misconceptions about the intended consumer, the company was reluctant to discount their merchandise or to even invest significantly in an outlet strategy. Abercrombie clothing was aspirational. It was created, Jeffries has said, for the "attractive all-American kid with a great attitude and a lot of friends. A lot of people don't belong [in our clothes], and they can't belong. Are we exclusionary? Absolutely." Jeffries has subsequently been pilloried for these remarks, but he was exploiting an understood weakness of the teenage shopper at the time—they wanted to belong.



In 1996, the Limited took Abercrombie public. The company was coming off four straight years of growth and had hit annual revenue of almost a quarter of a billion dollars. Jeffries took on a dual role of CEO and chairman of the board. Shareholders may have owned the company, but Jeffries ran it like a personal fiefdom. "Life stops and starts with what Mike Jeffries says," one former employee told me. "There is nothing that is not shown to him, and there is nothing that he does not know about."

Jeffries and a couple of trusted lieutenants sit at one end of the conference room; designers with samples and marker boards covered in sketches are at the other; and Jeffries offers his rapid-fire verdicts. And every week Jeffries strolls through the mock retail storefronts at the Ohio headquarters, signing off on the floor sets. He is said to trust deeply in rituals and talismans, such as a pair of lucky loafers he was known to wear while perusing financial reports. In the past he has insisted on never passing staff members in stairwells and walking through revolving doors twice.

Corporate employees are encouraged to dress casually in artfully distressed Abercrombie jeans and oxford shirts bearing the familiar moose logo. "There's this fetishistic attitude—you want to demonstrate as much allegiance to the brand as possible because that's what makes Mike happy," a former designer told me. The designer recalled once showing up to a meeting wearing black jeans and leather-soled shoes. "Mike stared at me like, *The nerve of this guy!* He couldn't stop looking at my shoes. I figured out that if you didn't toe that line, you'd end up being alienated."

A similar set of guidelines governs life at Abercrombie retail locations, where employees are required to follow the strictures of the glossy "Look Policy" book. "Sunkissed" hair, for instance, is permitted, while a hairstyle that features "chunks of contrasting color" is not. Skinny jeans should be cuffed at one and a quarter inches; the strings on peasant blouses should remain untied. The employees are encouraged to look as much like the people in the catalogues and posters as possible—a dictate that Jeffries himself seems to take to heart. One former employee, referencing

the extensive cosmetic procedures Jeffries has undergone in recent years, told me that "Mike is physically trying to emulate the same models that he hires. In his head, that's how he sees himself."

In many ways, Jeffries's most impressive accomplishment was not the signature Abercrombie style but the signature Abercrombie attitude, with its bluntly brash appeal. As one former employee put it, "The only bad news was no news. Controversy was what you wanted." Consequently, the list of PR disasters past and present is too lengthy to fully detail, but the more notable flare-ups include the following: the quickly recalled line of Asian-themed T-shirts, which featured men in rice-paddy hats and cartoonishly slanted eyes; a line of thongs, marketed to girls as young as 10, with the words wink-wink on the crotch; an issue of *A&F Quarterly* that included a user's guide to having oral sex in a movie theater; and the disingenuous joke-apology to critics that appeared in the same periodical in 2003: "If you'd be so kind, please offer our apologies to the following: the Catholic League, former Lt. Governor Corrine Wood of Illinois, the Mexican American Legal Defense and Education Fund, the Stanford University Asian-American Association. N.O.W."

In 2010, Michael Stephen Bustin, a former pilot of the Abercrombie corporate jet, filed a lawsuit against Abercrombie in a Philadelphia federal court, claiming he'd been unfairly dismissed because of his age. (He is in his mid-fifties.) Abercrombie & Fitch settled with Bustin, but not quickly enough to prevent the disclosure, by Bustin's lawyers, of a 40-plus page Abercrombie "aircraft standards" manual, a copy of which leaked online.

Included in the manual are rules on crew apparel (the male staff, hand-selected by a New York modeling agency, were to wear a "spritz" of Abercrombie 41 cologne and boxer briefs under their jeans), the specific song to be played on return flights ("Take Me Home," by Phil Collins), and the way the toilet paper in the aft lavatory should be rolled (never exposed; end square neatly folded). If Jeffries makes a request, the crew is always to respond with "No problem" instead of "Yes" or "Sure."

Most striking was a guideline that stipulated that Jeffries's longtime partner, Matthew Smith, was to receive copies of daily sales reports. Officially, Smith, who is British, is not an Abercrombie employee, but a **recent BuzzFeed report alleges** (http://www.buzzfeed.com/sapna/exclusive-abercrombie-execs-troubled-by-involvement-of-ceos) that he "wields vast influence over the retailer's operations and strategic direction"—a development that is said to rankle many top Abercrombie executives. According to BuzzFeed, Smith has gone so far as to help select overseas locations for future Abercrombie stores. (An insider told me that "Matthew has no decision-making authority inside the company. He travels extensively with Mike and has some insights on real-estate matters that are often really valuable, but that's the extent of it. All these articles greatly exaggerate the issue.")

Jeffries does not hide his sexuality, former employees say, but he is not particularly forthcoming about his personal life. The extent of his glad-handing is the regular dinners Jeffries and Smith host for designers at their Ohio mansion. Models with the "Abercrombie look" are brought in to valet the cars, and a bartender serves cocktails in the living room. There are Bruce Weber books

on the coffee tables, and the dogs, Ruby, Sammy, and Trouble, run freely, helping to break the ice. One attendee told me that Smith is charming and "age appropriate" (he's in his early fifties). The couple are amiable hosts, the attendee said, but rarely engage in anything more than basic party chatter. "And then at some point, you get the message: 'Okay, thanks, time for you to go home now.'"



The interior of the Abercrombie & Fitch store on Fifth Avenue. Photo: Mark Peterson/Redux/? Mark Peterson 2005

Until relatively recently, Abercrombie's numerous press scandals followed a predictable pattern: a flood of petitions and angry phone calls; an army of talking heads on cable TV complaining about the pernicious influence of the brand; and then silence. Consumers seemed to accept that Abercrombie's gleefully offensive vibe was part of the package, and the company's bottom line was never truly threatened.

But sensibilities have since evolved; casual prejudice is not as readily tolerated. Today's teens are no longer interested in "the elite, cool-kid thing" to the extent that they once were, says Gordon, the Michigan professor. "This generation is about inclusiveness and valuing diversity. It's about not looking down on people." And with the help of social media, for the first time critics have succeeded in putting Abercrombie on the defensive. Last year, blogger Jes Baker drew blood with her **spoof photo series "Attractive & Fat,"** (http://www.themilitantbaker.com/2013/05/to-mike-jeffries-co-abercrombie-fitch.html) which satirized the iconic Bruce Weber images. A **video of activist Greg Karber distributing Abercrombie clothing to homeless people** (http://www.youtube.com/watch?v=O95DBxnXiSo) has been viewed upwards of 8 million times on YouTube.

Partially in response to these campaigns, the company has sought to reach out to demographics it previously ignored. A line of plus-size clothing is reportedly in the works; young activists have

been invited to Ohio to discuss Jeffries's more outlandish comments. (A spokesman steered me to a recent report from the Human Rights Campaign Foundation, which gave Abercrombie a perfect score on its 2014 Corporate Equality Index.) And the company has partnered with the Christian charity World Vision to distribute millions of dollars of clothing to poor families.

Jeffries, for his part, seems to have been caught off guard by the changing tide. And no wonder, says someone who knows him well: "He's created his own world out there in Ohio, and in that world, he's the most important person." Where once he was viewed as tolerably eccentric but undoubtedly brilliant—and tremendously good for the company—now his idiosyncrasies seem less forgivable. Instead of contributing to Abercrombie's image, the scandals now appear to detract from it.

Since 2009, Abercrombie has closed 170 retail storefronts in the U.S.; it says it will continue the closures for the next few years. "The rationale for this is very obvious," David Leino,
Abercrombie's senior vice-president for global real estate, has said. "The continued shift to customer spending online will make this necessary, especially in underperforming malls."

Meanwhile, Abercrombie will subtly change the way it does business in some of its existing shops, removing the space-hogging wood "porches"—meant to evoke a California surf shack—and the louvered shutters at some locations that once kept stores so cloistered and exclusive.

"I think we have to take the strongest part of our brand DNA and evolve it to be more relevant to a younger generation of consumers," says Craig Brommers. "We don't think this is a drastic repositioning, but we are very aware we need to evolve our brands." Abercrombie, he continued, had been conducting in-depth research with teen shoppers, whom Brommers believes to be more ecumenical in their tastes than past generations and often more budget-conscious. "But we also know that teens are willing to spend a little more on quality staple items, such as denim, flannels, and outerwear."

No one should expect Abercrombie to start offering biker jackets and patterned kimonos, both of which are included in H&M's spring line—the essence of the Abercrombie aesthetic will remain unchanged. But the new Abercrombie will be less loud and less reliant on highly visible logos and branding. And in a distinct step away from the tactics encouraged by Jeffries a decade ago, there will be more variety in sizing and pricing. "We have a positive story to tell," one executive told me. "How that story is communicated to the consumer is an ongoing strategic question."

Earlier this year, Abercrombie opened a Hollister at the Dubai Mall in the United Arab Emirates—the first step in what is expected to be a wider push across the Middle East. Already, Abercrombie has stores in 21 markets, including Japan (three stores) and China (six stores). The company says that, while it has to be careful about certain regional sensitivities—in the United Arab Emirates, Brommers hinted, photo marketing may be toned down—international expansion could, with time, make up for lackluster sales at home. Others aren't so sure. "There is an opportunity there," says Wendy Liebmann. The problem, she adds, "is that if you don't have a successful brand at home, going global isn't going to save you. People go online. They're going to see the backstory."

Where all of this leaves Jeffries is unclear. On paper, his contract extends through next

February, but one source with knowledge of the negotiations said that he could be pushed out beforehand, possibly via a proxy contest—a hostile takeover spearheaded by a critical mass of shareholders.

More recently, the company appears to have started actively working on succession planning. Jonathan Ramsden, a Brit viewed by Abercrombie insiders as highly capable, was recently promoted from CFO to COO, and Abercrombie will soon install a pair of "brand presidents"—one for Abercrombie and the Abercrombie Kids line and one for Hollister.

"Mike built a brand that had a tremendous amount of longevity," says one prominent shareholder. "What that tells you is there's something there that people really like. But Mike hasn't been able to evolve Abercrombie & Fitch or his team, and that's not good for customers or shareholders." The hope is that the new blood could change that. If it can, there's still a chance that the global teenapparel brand Jeffries helped build could find its footing again. If it can't, Jeffries could find his legacy permanently tarnished.

"I guarantee you, we're already to the point where that resurgence in the nineties is a Wikipedia talking point," says Sozzi. "What we'll remember Jeffries for now is for failing to change, for all the store closures, for the way employees were treated. And that's unfortunate."

*This article originally appeared in the February 17, 2014 issue of New York Magazine.

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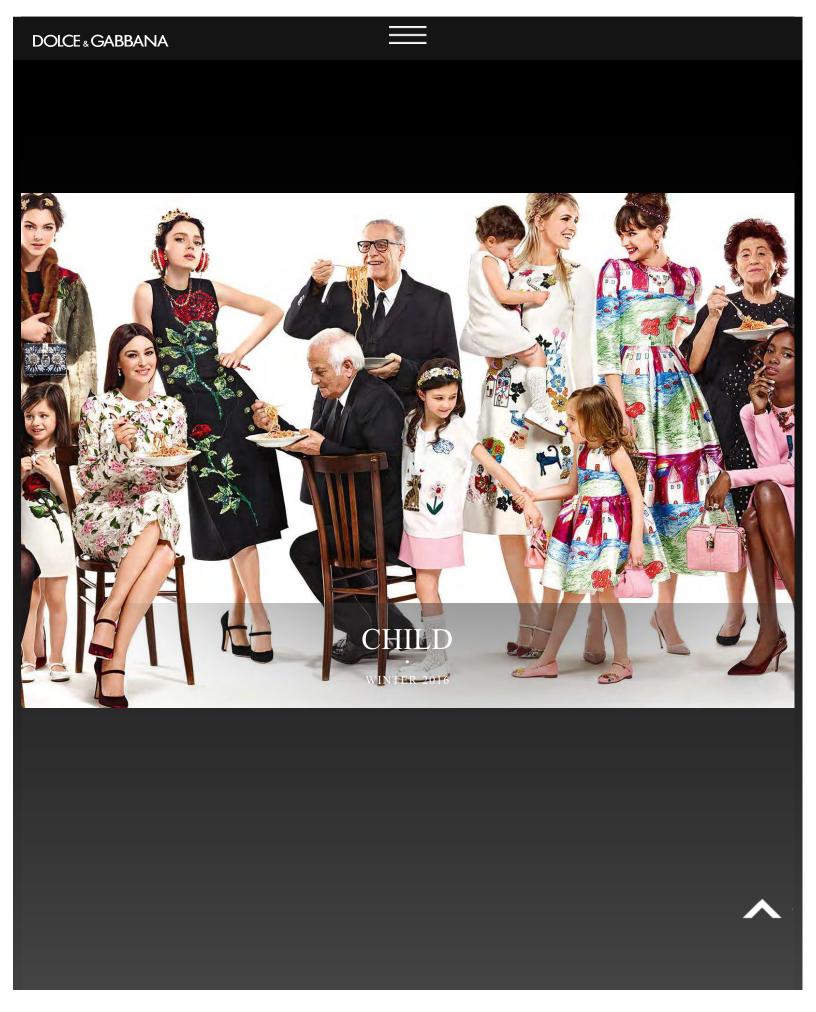
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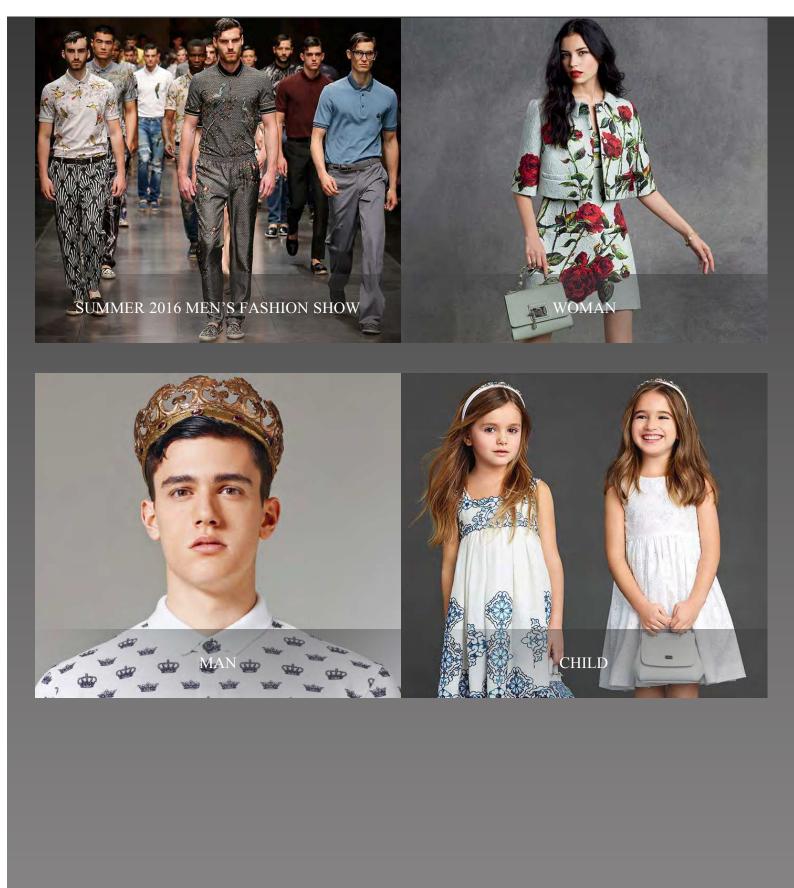
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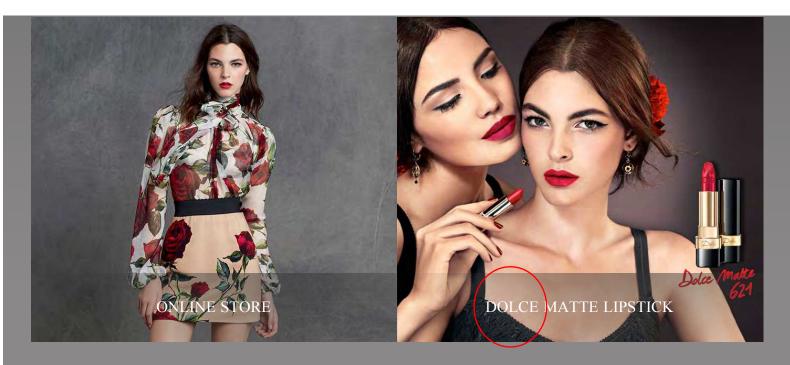
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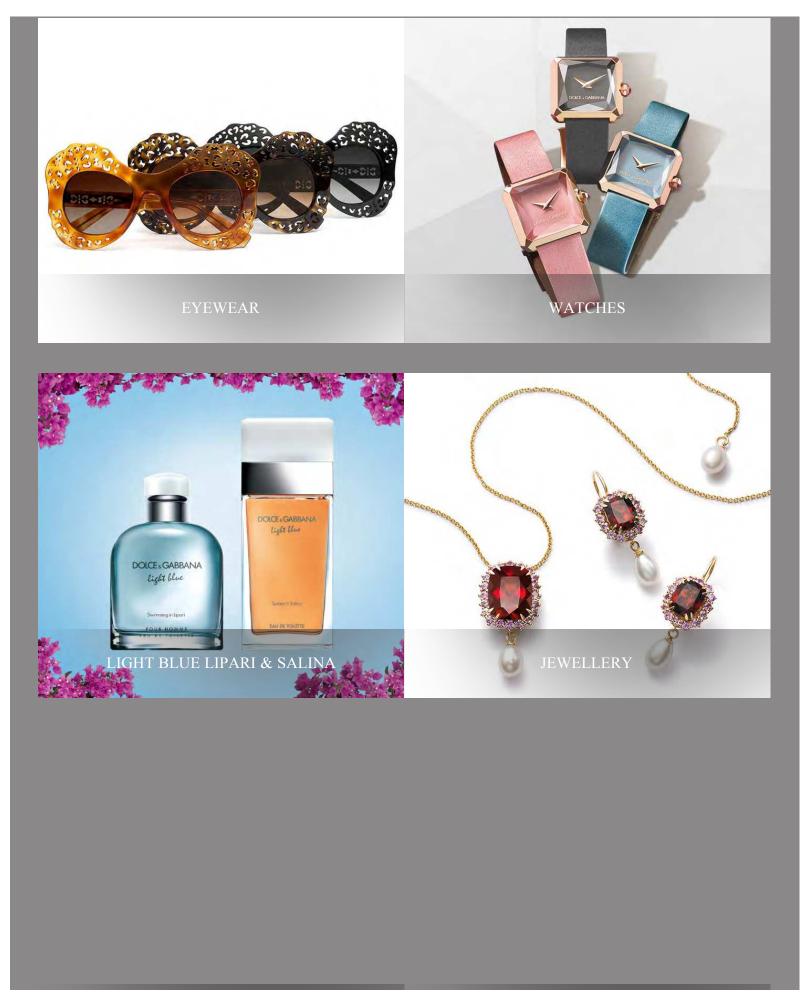


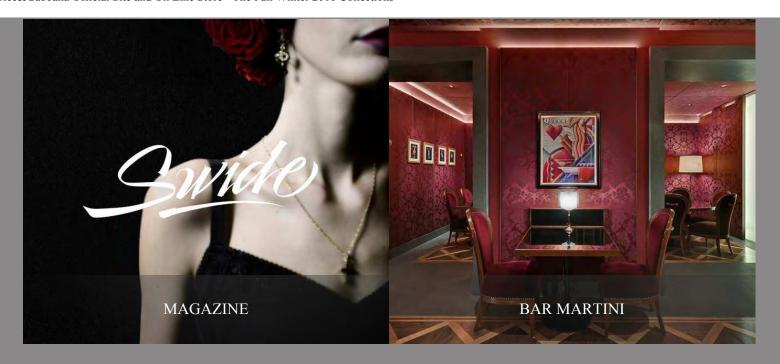














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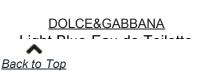
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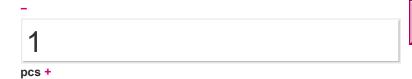
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confident, passionate fragrance from Dolce released in 2009. The charismatic supermodel Naomi Campbell is its	Pink Pepper, Kiwi, Rhubarb			
patron. L'Impératrice 3 by Dolce & Gabbana boldly	Middle notes			
embodies the modern emancipated woman unafraid to	Melon, Cyclamen, Jasmine			
speak her mind. This fragrance ingeniously merges exotic	Base notes			
fruit and sensual flowers. The succulent kiwi tone interweaves flawlessly with the bold tones of luxurious	Musk, Lemon, Sandalwood			
pink pepper. Charming rhubarb is mixed in with the very				
core of the fragrance, which hides refreshing watermelon,				
cyclamen and silky jasmine. The heartwarming core of the fragrance is citrus and sandalwood with a spark of sensual				
musk. This original perfume from Dolce & Gabbana is an excellent choice for any occasion, especially for warm summer days.				
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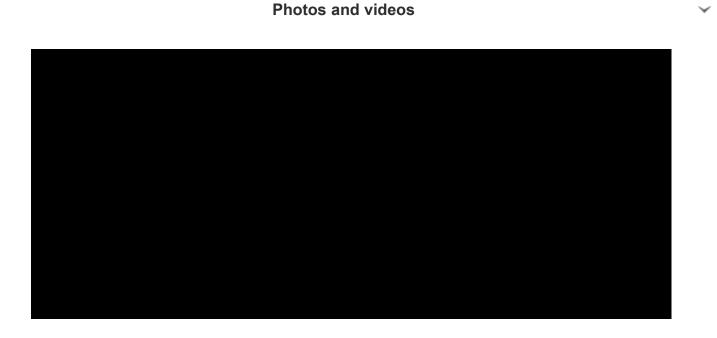
Doice & Gabbana D&G L Imperative 3, can de tonette foi women 3.4 oz beautyspin.com

About the brand Dolce & Gabbana

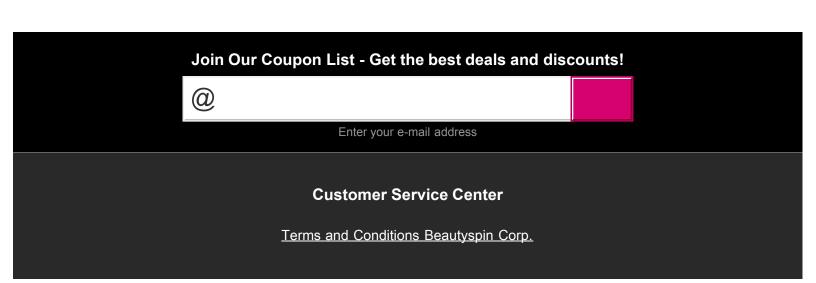
Dolce & Gabbana belongs to the worldwide brands which have become familiar even to those who are not interested in fashion at all. An Italian brand Dolce & Gabbana produces clothes, handbags, shoes or glasses, and perfumes too. Dolce & Gabbana perfumes are a bit eccentric and distinctive. They include the characteristics of Italian temperament – they are passionate, self-confident and a bit mysterious. The brand was founded in 1985 by talented fashion designer duo – Domenico Dolce and Stefano Gabbana who managed to bring a new unique style and chic elegance. Dolce & Gabbana introduces an authentic and unconventional luxury. Dolce & Gabbana brand operates in 40 countries and sells products in hundreds of stores with fashion and accessories. You can find their headquarters in Milan and office branches in New York, Tokio and Hongkong. Most important celebrities, fashion icons and also sportsmen wear Dolce & Gabbana – from Hollywood star Angelina Jolie to football player Lionel Messi. There is a wide range of Dolce & Gabbana perfumes including both classical and trendy fragrances aimed at all kinds of customers. Dolce & Gabbana Light Blue belongs to most popular ones and it represents happiness in life in The Mediterranean. It is like trying to capture a summer day in a drop of a floral-fruity scent. In contrast to this, Dolce & Gabbana The One Desire evokes a mysterious world of light and shadows, temptation and seduction. With this fragrance, a woman creates her personal, intimate space and only she sets the boundaries between instinct and desire. A man who uses Dolce & Gabbana fragrances is usually straightforward, pleasure-seeking and definitely successful. It is a man who does not follow the rules but creates them. Dolce & Gabbana

perfumes will always be sought by self-confident men and women who are aware of their value and they can enjoy life

and spread positive energy. Try out the unique magic of Dolce & Gabbana and see the horizons it shows you.



Ratings
Monday, June 15, 2015isabel chavez
exactly what i wanted for the lowest price i found
What do you think? Write a Dolce & Gabbana D&G L'Imperatrice 3 Review.
Items marked with an asterisk are compulsory.
Your review*
Please do not write any comments or information not related to this product, here. You can send those to info@beautyspin.com.
Ratings*
O -Perfume bottle
O-Lasting
O -Intensity
Overall impression
Name*
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Matt & Nat is a vegan line designed in Montreal, Canada since 1995, with love. We build our collections not only to reflect the beauty of our natural surroundings but also those within it. To "live beautifully" means appreciating the humanity, creativity and positivity found in all of us.

MW



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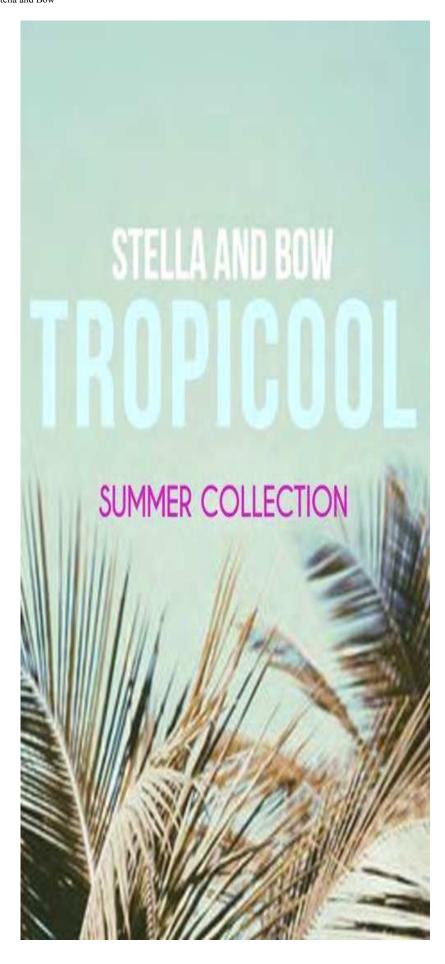






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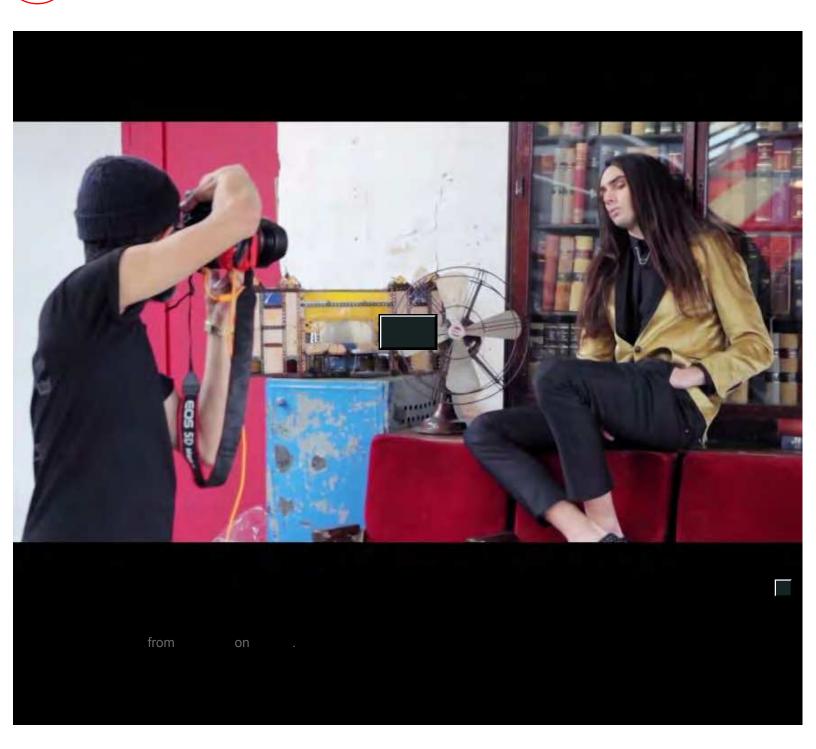






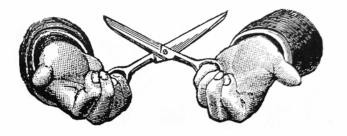
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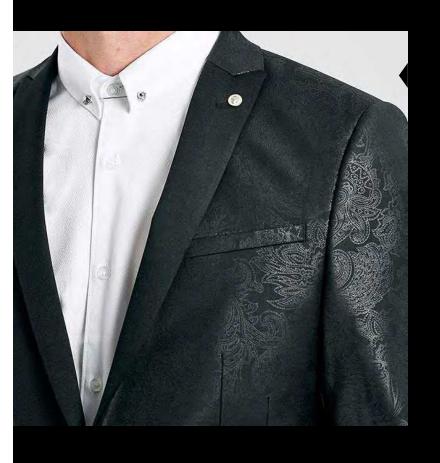


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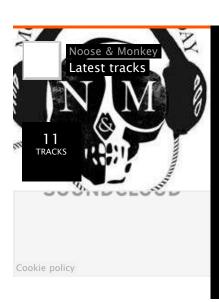




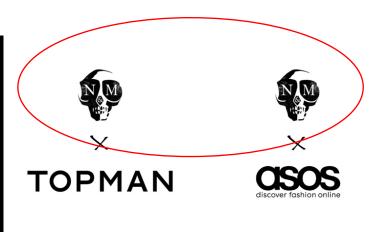
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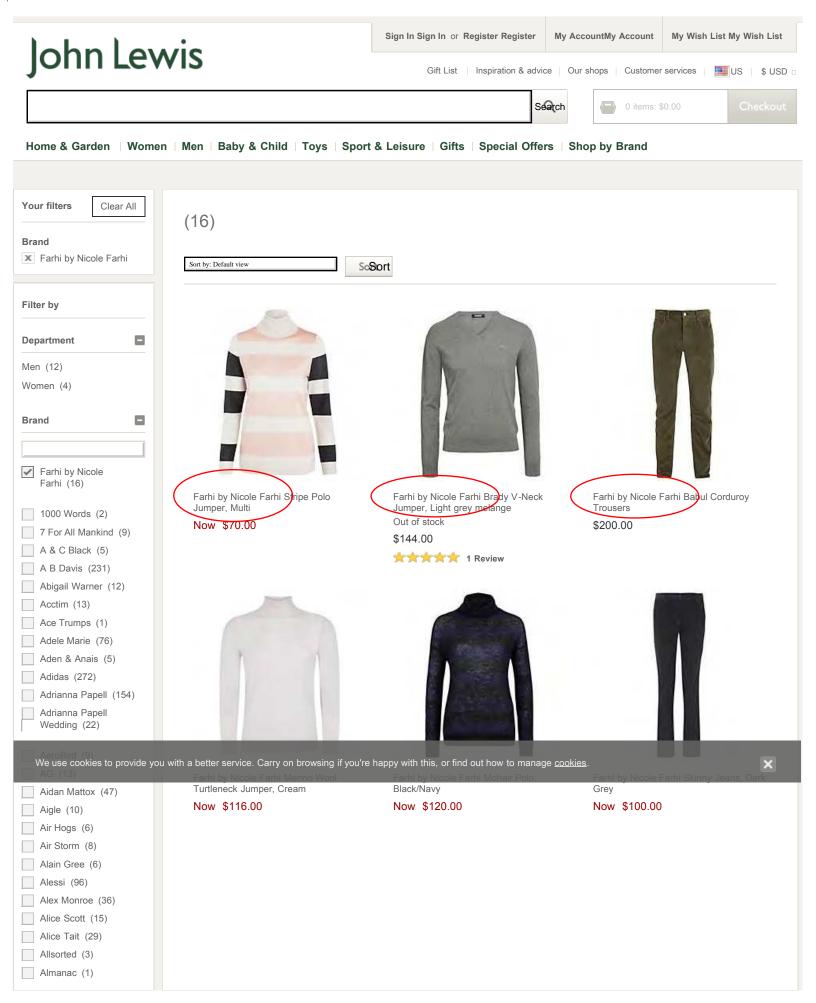


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l J		Museums &	
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	YKK (25)
	Your Packs (7)
	Yoyo Books (7)
	Yurbuds (6)
	Zaffiri (8)
	Zoggs (66)
	Zoku (1)
Co	olour
Sto	ock Availability
	Show in stock items only
	Onow in Stock items only

Avg. Rating Review	•			
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SHOP THE LEGEND

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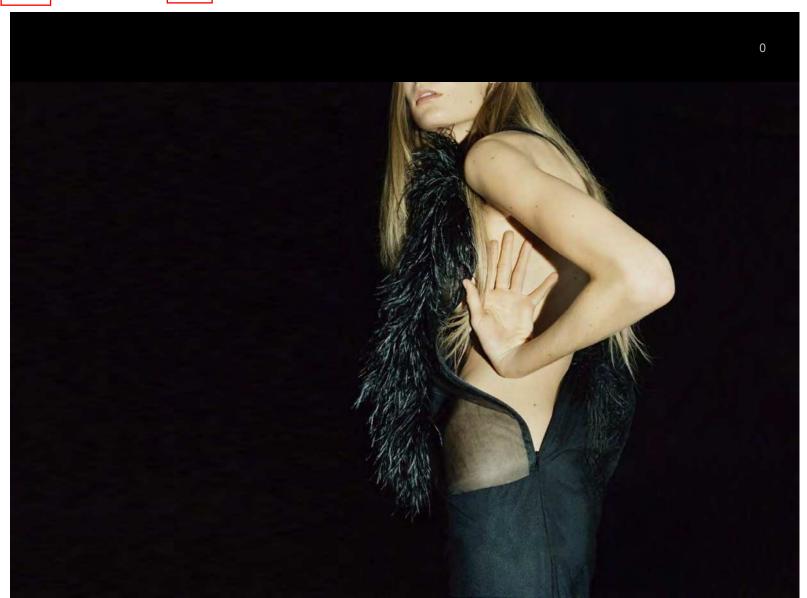


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women

men

fragrances

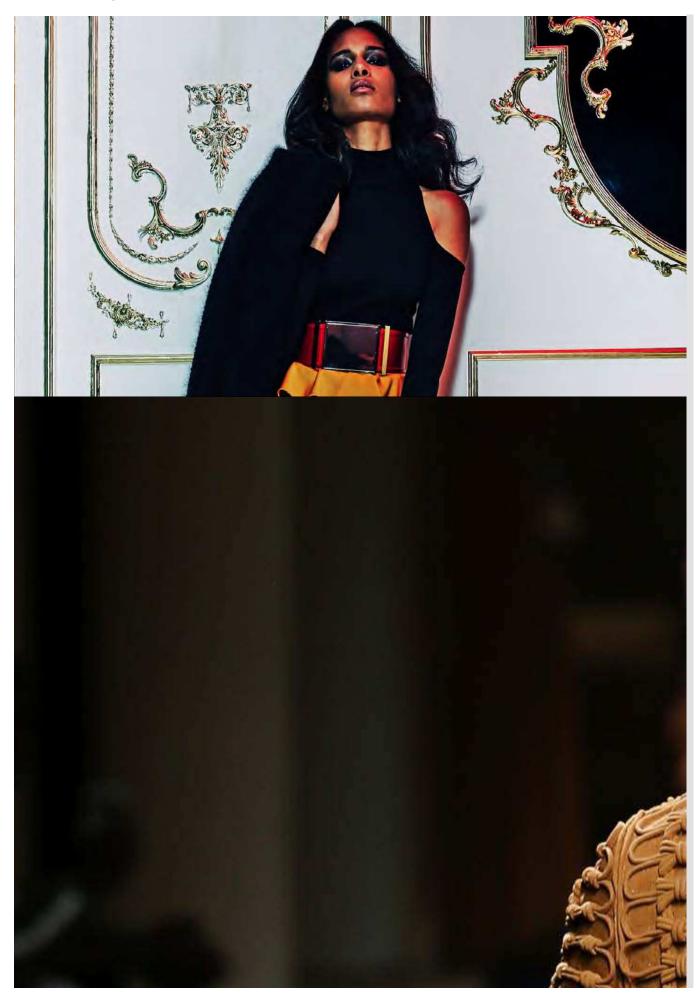
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stores

my account

shipping (usa)



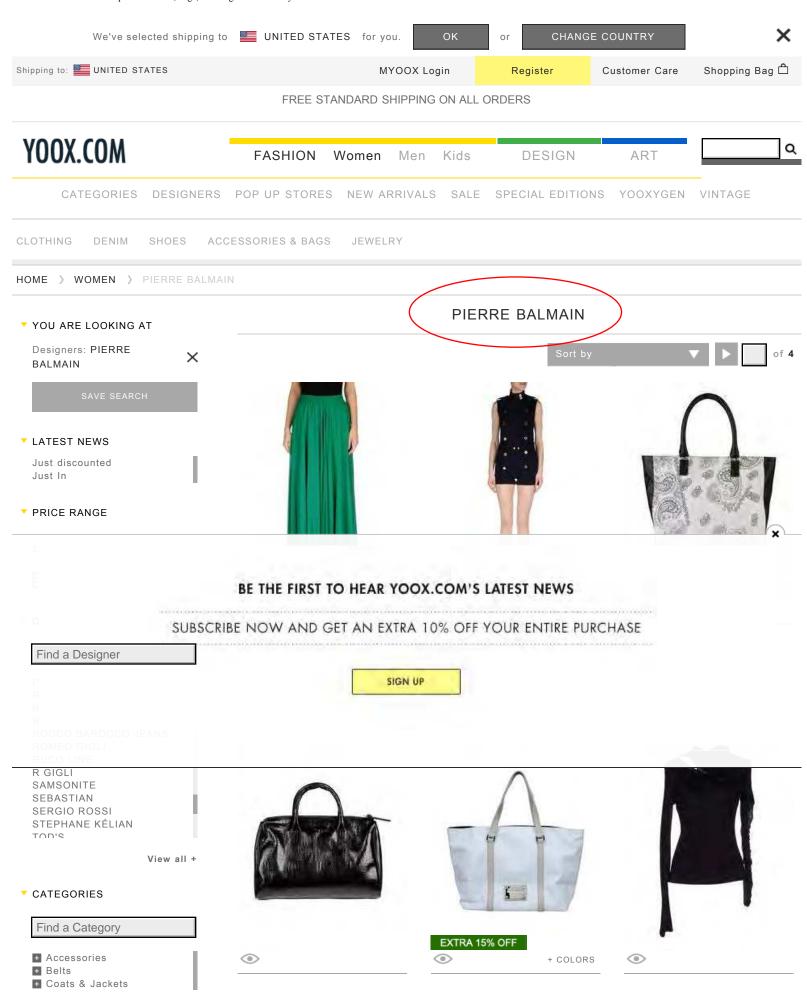






Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 72



- + Dresses
- **F**ootwear
- **→** Handbags
- Jeans and Denim
- Jumpsuits and Overalls
- + Pants
- + Shirts
- + Skirts
- **★** Small Leather Goods
- _____ O...;t- ----- DI------

SIZES

MY SIZES

Browse just the items with the perfect fit for you and save your preferences for next time.

CREATE A PROFILE

Select one or more sizes

XXS	XS	S
М	L	XL
XXL	XXXL	

Find your size +

COLORS



PRINT

Animal print Checks One color Other pattern Stripes

MATERIALS

Cotton Leather Linen Silk Wool

PIERRE BALMAIN

Handbags \$ 486.00

PIERRE BALMAIN

Handbags

\$ 448.00 \$ 201.00

PIERRE BALMAIN

T-shirts \$ 210.00

Sizes: S





PIERRE BALMAIN

Jackets \$ 405.00 Sizes: 4 6





PIERRE BALMAIN

Short dresses \$ 393.00 Sizes: 4 6



PIERRE BALMAIN

Short dresses \$ 284.00 Sizes: 4 6 10





PIERRE BALMAIN

Short dresses \$ 411.00 Sizes: 4 6





PIERRE BALMAIN

Tops \$ 222.00 Sizes: 4



PIERRE BALMAIN

Short dresses \$ 284.00

Sizes: 8





PIERRE BALMAIN Tank top

\$ 189.00 \$ 83.00

Sizes: S





PIERRE BALMAIN

Short dresses \$ 437.00

Sizes: 2 8



PIERRE BALMAIN

Shirt \$ 192.00

Sizes: 0 2





PIERRE BALMAIN

Across-body bags \$ 971.00





PIERRE BALMAIN

Blazer \$ 473.00 Sizes: 6 8



PIERRE BALMAIN

Casual pants \$ 289.00

Sizes: 25 26



PIERRE BALMAIN



PIERRE BALMAIN



PIERRE BALMAIN

High-tops \$ 393.00

Sizes: 6 7 7.5 8 8.5 9 10 11

Leather pants \$ 275.00

Sizes: 0 2 4 8

Sweaters \$ 263.00

Sizes: 0 2 4 6





PIERRE BALMAIN

Blazer \$ 562.00

Sizes: 0 2 4 6 8





PIERRE BALMAIN

Pumps \$ 388.00 Sizes: 9



PIERRE BALMAIN Knee length skirts \$ 229.00

Sizes: 0 2 4 6 8





PIERRE BALMAIN

Sizes: 7 7.5 8 9 10 11

Ballet flats

\$ 275.00

+ COLORS





PIERRE BALMAIN

High-tops \$ 393.00

Sizes: $5\ 6\ 7\ 8\ 8.5\ 9\ 9.5\ 10$

11



(

PIERRE BALMAIN

Blouses \$ 290.00

Sizes: 0 2 4 6



PIERRE BALMAIN Casual pants \$ 266.00 Sizes: 27 29 30



PIERRE BALMAIN Blouses \$ 290.00 Sizes: 0 2 4 8

0



PIERRE BALMAIN Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN Shrugs \$ 171.00 Sizes: 6



PIERRE BALMAIN
Denim pants
\$ 263.00
Sizes: 25 26 27 28 29 30



PIERRE BALMAIN
Ankle boots
\$ 344.00
Sizes: 6 6.5 7 7.5 8 8.5 9
9.5 10 11







PIERRE BALMAIN



PIERRE BALMAIN

High-tops \$ 314.00

Sizes: 7 7.5 8 8.5 9 9.5 10

Knit dresses \$ 758.00

Sizes: 0 2 4 6

Denim pants \$ 426.00

Sizes: 28 29 30 31



PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN

Shrugs \$ 171.00 Sizes: 4 6



PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN

Short dresses \$ 371.00 Sizes: 4



PIERRE BALMAIN

Short dresses \$ 437.00 Sizes: 0



+ COLORS

PIERRE BALMAIN

Ankle boots \$ 373.00

0

Sizes: 6 6.5 7 7.5 8 8.5 9



PIERRE BALMAIN Casual pants \$ 175.00 Sizes: 0 2 4 6



Denim pants \$ 268.00 Sizes: 24 25 26 27 28 29

PIERRE BALMAIN



\$ 307.00 Sizes: 24 25 26 27 28 29 30

PIERRE BALMAIN

Denim pants



PIERRE BALMAIN High-tops \$ 314.00 Sizes: 6 7 7.5 8 8.5 9 9.5

0



PIERRE BALMAIN Tops \$ 782.00 Sizes: 00 0 2 4 6



PIERRE BALMAIN
Denim pants
\$ 395.00
Sizes: 24 25 26 27 28 29 30







PIERRE BALMAIN



PIERRE BALMAIN

Denim pants \$ 263.00

Sizes: 24 25 26 27 28 29

Ankle boots \$ 393.00

Sizes: 6 6.5 7 7.5 8 8.5 9

10

Short dresses \$ 233.00

Sizes: 0 2 4 6 8





+ COLORS

PIERRE BALMAIN

Pumps \$ 265.00

Sizes: 6 7 7.5 8 8.5 9 9.5 10 11



PIERRE BALMAIN

Mini skirts \$ 209.00

Sizes: 00 0 2 4 6 8



PIERRE BALMAIN

Casual pants \$ 267.00

Sizes: 2 4 6 8 10



PIERRE BALMAIN Casual pants

\$ 263.00

Sizes: 00 0 2 4 6 8



PIERRE BALMAIN

Knee length skirts \$ 302.00

Sizes: 00 0 2 4



PIERRE BALMAIN

Sweatshirts \$ 167.00

Sizes: 0 2 4 6



PIERRE BALMAIN
Denim pants
\$ 323.00
Sizes: 26 28 29 30 31 32



PIERRE BALMAIN T-shirts \$ 194.00 Sizes: 2 4 6



PIERRE BALMAIN Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN Blouses \$ 368.00 Sizes: 2 4 6



PIERRE BALMAIN Short dresses \$ 372.00 Sizes: 2 4 6 8 14



PIERRE BALMAIN
Denim pants
\$ 239.00
Sizes: 24 25 26 27 28 29 30



PIERRE BALMAIN



PIERRE BALMAIN



PIERRE BALMAIN

Denim pants \$ 263.00

Sizes: 24 25 26 27 28 29

Casual pants \$ 263.00

Sizes: 00 2 4 6 8

Denim pants \$ 219.00

Sizes: 24 25 26 27 28 29





PIERRE BALMAIN

Pumps \$ 256.00

Sizes: 6 6.5 7 7.5 8 8.5 9 10





PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN Knee-length dresses \$ 285.00 Sizes: 4 6 8





Overalls \$ 294.00

Sizes: 2 4 6 8





PIERRE BALMAIN Handbags \$ 481.00



PIERRE BALMAIN 3/4 length skirts

\$ 317.00

Sizes: 0 2 4 6



PIERRE BALMAIN

Sweatshirts \$ 268.00

Sizes: 0 2 4 8



PIERRE BALMAIN

Thong sandal \$ 507.00

Sizes: 9

(3)



PIERRE BALMAIN

Denim pants \$ 323.00

Sizes: 26 27 28 29 30 31





PIERRE BALMAIN

Sandals \$ 401.00

Sizes: 9







PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9







PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9





+ COLORS



PIERRE BALMAIN



PIERRE BALMAIN

Handbags \$ 844.00 Casual pants \$ 287.00 Sizes: 0 2 4 Jackets \$ 513.00 Sizes: 2 4





PIERRE BALMAIN

Tank top \$ 171.00 Sizes: 00 0





PIERRE BALMAIN

T-shirts \$ 233.00 Sizes: 0 2 4



PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN

Mini skirts \$ 321.00 Sizes: 2 4 6



PIERRE BALMAIN

Denim pants \$ 395.00

Sizes: 26 27 28 29 32



PIERRE BALMAIN

Shirt \$ 359.00 Sizes: 2 4 6



(3)

PIERRE BALMAIN

Jackets \$ 831.00 Sizes: 2 4 6



③

PIERRE BALMAIN

Short dresses \$ 587.00

Sizes: 2 4 6 8



0 + COLORS

PIERRE BALMAIN Full-length jackets \$ 722.00

Sizes: 2 4 6 8



PIERRE BALMAIN Denim pants \$ 291.00

Sizes: 26 28 29



PIERRE BALMAIN Casual pants

\$ 289.00

Sizes: 25 26 29



PIERRE BALMAIN

T-shirts \$ 258.00

Sizes: 00 0 2 4



PIERRE BALMAIN



PIERRE BALMAIN



PIERRE BALMAIN

Short dresses \$ 400.00 Sizes: 2 4 8 Short dresses \$ 886.00 Sizes: 6 8 Leggings \$ 888.00 Sizes: 6 8





PIERRE BALMAIN

Jackets \$ 633.00 Sizes: 4 6





PIERRE BALMAIN

Short dresses \$ 788.00 Sizes: 2 4 6



0

PIERRE BALMAIN

Knit dresses \$ 418.00 Sizes: 2 4 6





PIERRE BALMAIN

Shirt \$ 405.00 Sizes: 0 2 4 6



PIERRE BALMAIN

Denim skirts \$ 418.00 Sizes: 4 6 8



PIERRE BALMAIN Shirt

\$ 290.00 Sizes: 4 6 8



PIERRE BALMAIN Casual pants \$ 307.00 Sizes: 0 2 4 6



PIERRE BALMAIN Leggings \$ 289.00 Sizes: 24 26 28



PIERRE BALMAIN Knit dresses \$ 242.00 Sizes: 6 8



PIERRE BALMAIN Denim jackets \$ 268.00 Sizes: 0 2 4



PIERRE BALMAIN Short dresses \$ 400.00 Sizes: 2 4 6



PIERRE BALMAIN Casual pants \$ 193.00 Sizes: 4 8 10



PIERRE BALMAIN



PIERRE BALMAIN



PIERRE BALMAIN

Ankle boots \$ 344.00

Sizes: 8 9 9.5 10

Blouses \$ 290.00 Sizes: 0 2 4

Overalls \$ 955.00 Sizes: 6 8



PIERRE BALMAIN Short dresses \$ 971.00 Sizes: 4 6



PIERRE BALMAIN Denim pants \$ 511.00 Sizes: 25 27 30



PIERRE BALMAIN Short dresses \$ 393.00 Sizes: 4 6 8



PIERRE BALMAIN Jackets \$ 690.00 Sizes: 12 14



PIERRE BALMAIN Denim pants \$ 307.00 Sizes: 25 29 30



PIERRE BALMAIN Casual pants \$ 320.00 Sizes: 4 6 10















PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9



PIERRE BALMAIN

Sandals \$ 401.00 Sizes: 9

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LEGAL AREA PRIVACY POLICY

Opposition No. 91213413 Mappin & Webb Limited v. M Webb LLC Declaration of David J. Diamond in Support of Applicant's Main ACR Brief

Exhibit 73

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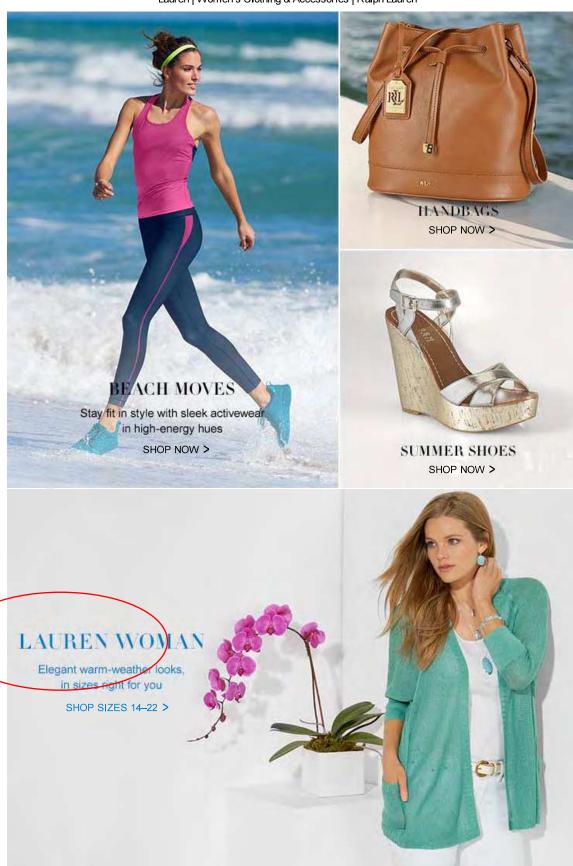
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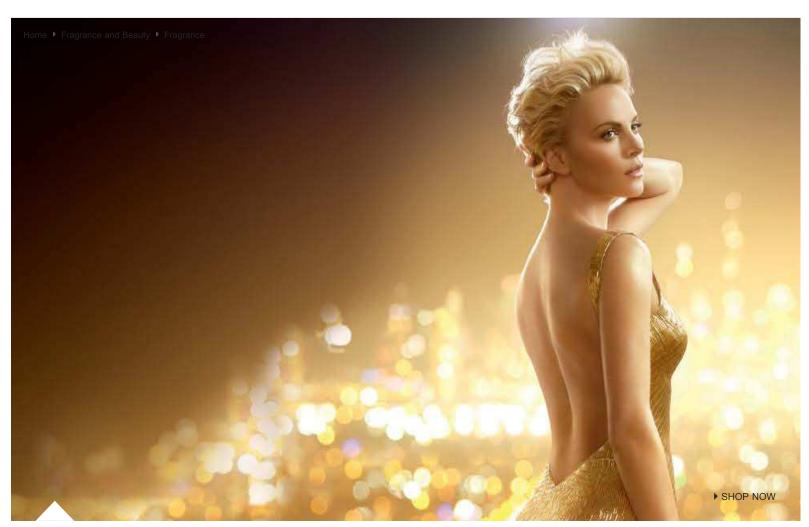
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Exhibit 75

CHANGE UNIVERSE : FRAGRANCE & BEAUTY ▼

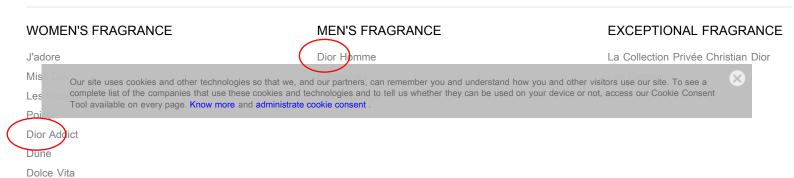
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FRAGRANCE MAKE-UP SKINCARE GIFTS



FRAGRANCE

Les Créations de Monsieur Dior





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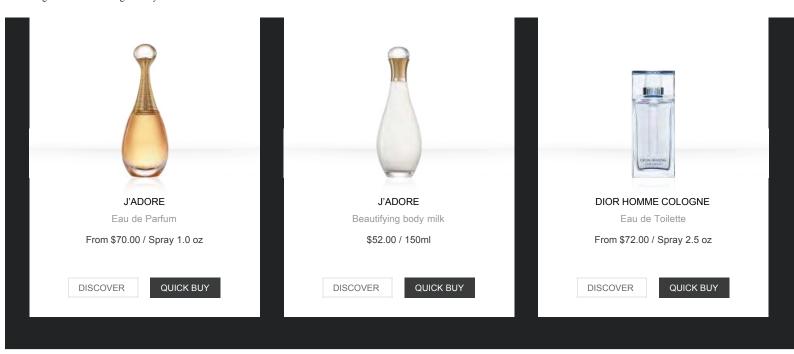








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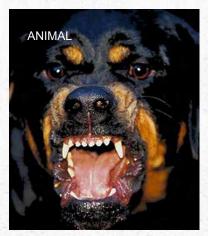
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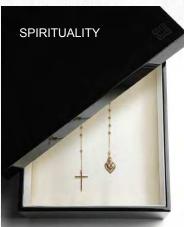
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Exhibit 77

A Fashionable LIFE: Hubert de Givenchy

The French designer rose to fame in the 1950s, but his elegant aesthetic continues to reverberate in fashion today, as seen in the house's fall 2013 collection, presented on Sunday in Paris

By Allison Berry @allisonrberry | March 04, 2013 | 1 Comment







Nat Farbman-Time & Life Pictures/Getty Images

Caption from LIFE: Designer de Givenchy (right) and fitter study effect in a mirror of hat tried on by his partner Bettina between her publicity chores.













French designer Hubert de Givenchy rose to fame in the 1950s, but his elegant, feminine aesthetic continues to reverberate in fashion today, as seen in the house's fall 2013 collection, presented on Sunday in Paris.

Raised in an aristocratic family who valued artistic pursuits, he journeyed to Paris in 1944 and by the early '50s had established a couture house of his own. While responsible for many sartorial innovations, such as the easy shape of the sack dress and the raw cotton Bettina blouse, he is best known for his strong professional relationship with Audrey Hepburn at the height of her Hollywood glamour days. In addition to outfitting her in films like Breakfast at Tiffany's and Charade, Givenchy also featured Hepburn in his fragrance ads, making him one of the first designers to pioneer the use of the celebrity spokesperson.

While Givenchy himself retired from designing in 1995, his namesake house remains at fashion's forefront today in the hands of creative director Riccardo Tisci. Tisci began his tenure at the house in 2005 with a dark gothic bent, but his collections of late have embraced a more romantic feel.

Here, LIFE looks back at the young designer Hubert de Givenchy during



vs of his storied label.







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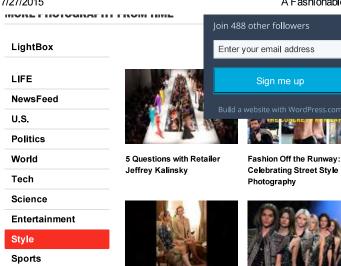
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Hubert de Givenchy and Audrey Hepburn - a match made in heaven. Similar ages, the French couturier and American screen star immediately empathised with each other - an intimate relationship that continued into old

Givenchy intuitively understood Audrey's petite frame - the perfect foil it would seem for the sophisticated and ladylike look of the late 1950s and early 1960s - tiny waist, full skirt - often with underlay and a simply cut bodice, often collarless to show Audrey's swanlike neck.

In turn, Audrey's iconic movies served as the perfect environment for the ultimate catwalk - raising Givenchy's profile. And perhaps due to the timeless design of both the couture and the movies both are still much admired decades later.

Givenchy and Hepburn - classic, refined, urbane style.

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Exhibit 78



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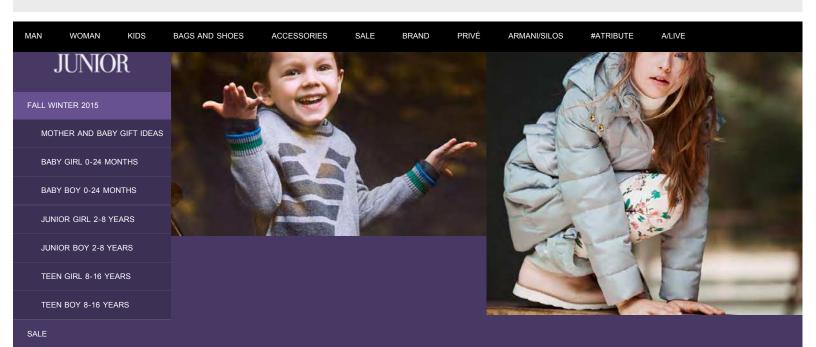
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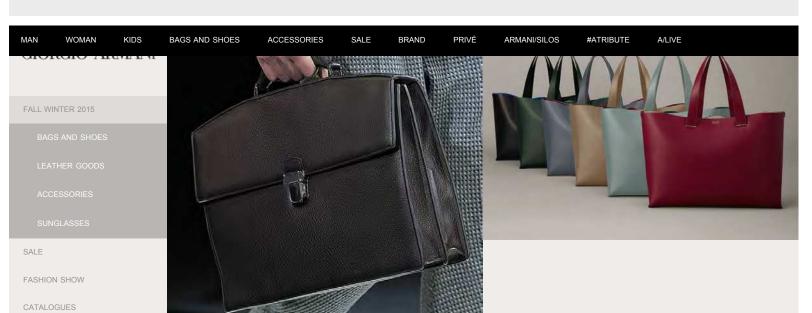
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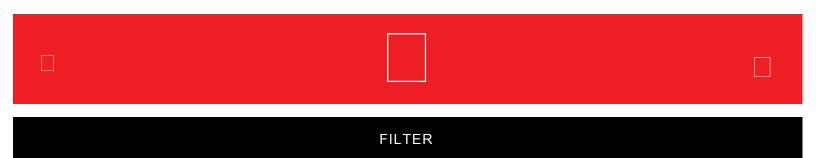


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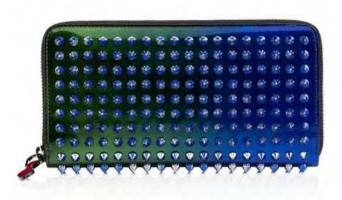
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Exhibit 80







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Panettone Spikes Wallet





Panettone Spikes Wallet

Panettone Spikes Wallet





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Panettone Spikes Wallet

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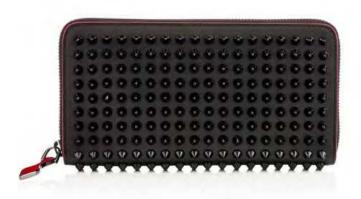
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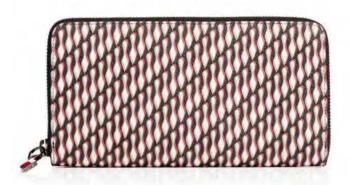
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Panettone Wallet

Panettone Wallet

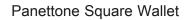






Panettone Square Wallet







Panettone Spikes Square Wallet



Panettone Spikes Square Wallet



Panettone Spikes Square Wallet





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Kaspero Wallet



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Paros Spikes Wallet

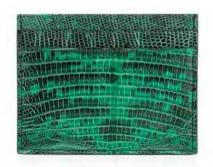




Paros Spikes Wallet

Paros Spikes Wallet





Kios Card Holder

Kios Card Holder



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Exhibit 81



VFCULTUREThe Suspects Wore Louboutins









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Queen Elizabeth and Her Corgis: A Love Story





LETTER FROM LOS ANGELES

MARCH 2010

The Suspects Wore Louboutins











BY NANCY JO SALES

lexis Neiers told cops that she and Nick Prugo had been drinking at Beso, a trendy bar-restaurant on Hollywood Boulevard, whe Prugo got a call from Rachel Lee telling him to come and meet her. It was July 13, 2009. Neiers said she knew that Prugo and Lee—both 19 and former classmates at Indian Hills, an alternative high school in Agoura Hills, an affluent suburb of Los Angeles—had been burglarizing the homes of celebrities. This "included Paris Hilton, Lindsay Lohan, Rachel Bilson, Audrina Patridge, and others she was not sure about," according to the L.A.P.D.'s report.

Neiers, 18, said that she was drunk and "not sure what was going on" as Prugo parked his white Toyota on the road by a house in the Hollywood Hills. Later, she said, she would find out that it was the home of *Pirates of the Caribbean star* Orlando Bloom. Her friends knew that Bloom was in New York shooting a movie; they researched this kind of information on celebrity Web sites like TMZ. They discovered the locations of stars' homes on Google Maps and celebrityaddressaerial.com.



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Neiers said that Lee and another girl, Diana Tamayo, 19, got out of Lee's white Audi A4, and the four kids walked uphill to Bloom's residence, a stark, black mansion. Neiers didn't want to go inside, she said, but still she followed. She told police that Prugo, Lee, and Tamayo seemed to be covering their faces with their hoodies, apparently in order to hide from security cameras. Lee cut a section out of the chain-link fence surrounding the property, Neiers said, and the kids crawled through it.

She said they went around the house, checking windows and doors, finally finding an unlocked door by Bloom's pool area. They went inside and the other kids started to "ransack" Bloom's home, according to Neiers. That night, they would allegedly steal close to \$500,000 in Rolex watches, Louis Vuitton luggage, clothing, and artwork. "What are you doing? Get me the fuck out of here," Neiers said she screamed. Then she went outside and threw up and peed in the bushes.

The Fame Monster

On November 16, Neiers arrived at Los Angeles Superior Court for her arraignment with an E! reality crew in tow. Her show, originally intended to be about her life as a party girl on the Hollywood scene, had now become a chronicle of her effort to stay out of jail. She was being charged that day with one count of residential burglary of Orlando Bloom's home. In the media, she was being called a member of "the Burglar Bunch," "the Bling Ring," nicknames for the most successful and outrageous burglary gang in recent Hollywood memory: a gang of well-off kids from the Valley.

Camera crews from local news stations, *Good Morning America*, *Dateline NBC*, and TMZ were waiting outside Department 30 on the third floor of the courthouse. Producers from various shows murmured as Neiers—a former hip-hop- and pole-dancing instructor—sat calmly on a bench, allowing a makeup woman to touch her up.

A leggy girl with long, dark hair and shimmering blue-green eyes, Neiers was wearing a tweed miniskirt, a pink sweater, and six-inch. Christian Louboutin heels. *) have a pretty cool shoe collection going on right now, * she said.

The L.A.P.D.'s report on the Bling Ring states that Nick Prugo told cops that Rachel Lee—a Korean-American girl from Calabasas, a wealthy suburb in the Valley—was "the driving force of the burglary crew and that her motivation was based on her desire to own the designer wardrobes of the Hollywood celebrities she admired." Charged in the case are Neiers; Prugo; Lee; Tamayo; their friend Courtney Ames, 19; and Roy Lopez Jr., 27, a bouncer Ames knew from a waitressing job. (All have pleaded not guilty, except for Lee, whose arraignment was pending at press time.)

Between October of 2008 and August of 2009, the alleged members of the Bling Ring collectively stole more than \$3 million in jewelry and high-end designer goods from a number of Young Hollywood players: Hilton, Lohan, Patridge (a regular on the reality show The

Hills), Bilson (former star of The O.C.), original Beverly Hills 90210 cast member Brian Austin Green and his girlfriend, actress Megan Fox. They are said to have tried to rob High School Musical's Ashley Tisdale too, but fled when discovered by a female houseguest.

The thieves apparently had a taste for luxury brands: Chanel, Gucci, Tiffany, Cartier, Prada, Marc Jacobs, Dolce & Gabbana, Burberry, Yves Saint Laurent. They allegedly stole clothes, shoes, handbags, makeup, perfume, underwear. They also took Green's Sig Sauer _380 semi-automatic handgun.

At her lawyer's office, a week before her arraignment, Neiers denied any involvement in the burglaries. "I'm a firm believer in Karma," she said, "and I think this situation was attracted into my life because it was supposed to be a huge learning lesson for me to grow and expand as a spiritual human being. I see myself being like an Angelina Jolie," she said, "but even stronger, pushing even harder for the universe and for peace and for the health of our planet." She was sounding almost like a real celebrity. "God didn't give me these talents and looks to just sit around being a model or being famous. I want to lead a huge charity organization. I want to lead a country, for all I know."

Moments before her arraignment began, a news producer approached, asking Neiers for an interview. "I'm going to make a statement on the courthouse steps," the pretty defendant promised. She runway-walked into the courtroom as the cameras started rolling.

The Rat

Nick Prugo has a different take on the events of the night of the Bloom burglary. "We didn't even go to Beso that night," he said. A slender boy with an angular face and small brown eyes, he was sitting in front of the fire at the Encino home of his lawyer, Sean Erenstoft, on a rainy night in December.

Charged with seven counts of residential burglary, each bringing a possible sentence of two to six years, Prugo is potentially facing serious time. In October, he confessed to police without first getting a deal. For weeks after he was arrested, on September 17 (after being fingered by a tipster), he denied everything; but then, he says, he was finding it difficult to breathe, sleep, eat—"I was even losing my hair."

"He confessed to crimes we didn't even know he committed," Officer Brett Goodkin, the lead investigator in the case, said on the phone. "Even though I was charged with more, you know, things," Prugo said, "I still think it was the right thing to do."

He said that on the night of the Bloom burglary "my parents were out of town. Alexis's mom had kicked her out of the house. So Alexis moved in with me." Neiers also told cops that her "mother kicked her out of her home." Prugo, according to the L.A.P.D. report, said the reason was that Neiers had been smoking OxyContin. "Obviously it's not true," says Neiers. "Nick Prugo's credibility is questionable at best," says her lawyer, Jeffery Rubenstein.

"Miranda Kerr, a Victoria's Secret model, was dating Orlando Bloom, and Rachel [Lee] wanted Victoria's Secret model clothes," said Prugo. Lee's lawyer, Peter Korn, would say only, "I don't want to participate in the media attention in this case."

"We planned to meet" at Bloom's, Prugo said. "Me and Alexis met Rachel and Diana. We went up to the house," The surveillance video from Bloom's residence on the night of the robbery shows four youthful-looking figures coming up a lamplit hill, all covering their heads with their arms and hoods while walking backward, apparently trying to hide their faces from security cameras. "How would a drunk person, so sick, throwing up," as Neiers claimed she was, "be walking backwards up a hill?," Prugo asked.



Whenever they robbed celebrities' homes, Prugo said, it went like this: "You grabbed a suitcase and filled it up with whatever you

wanted." He said Lee called it "going shopping." "In [Bloom's] master bedroom, Rachel found a stash of Rolexes and, like, fifteen hundred dollars. Alexis grabbed a Louis Vuitton laptop-size bag and she was rocking it as a purse. Miranda Kerr had a dress there by Alex Perry—like, a one-of-a-kind runway dress. She took that."

The Bloom surveillance video shows two of the four figures coming and going up and down the hill with large bags several times between three and four a.m. The bags are so unwieldy that one of the figures stumbles. Prugo said that he and Neiers left around five a.m., but Lee and Tamayo went back inside because, Lee said, "I want artwork 'cause I'm moving to Vegas and I want stuff to decorate my house."

Some time later, Prugo said, he sold most of Bloom's Rolexes to Johnny Ajar—a.k.a. "Johnny Dangerous," and, according to the police report, their "fence"—a thuggish ex-con and promoter at Les Deux who would allegedly get Prugo and his under-age friends into the club. When cops searched Ajar's home, they found Brian Austin Green's pistol. Ajar is now in Los Angeles's Twin Tower Correctional Facility, charged with possession of narcotics and a firearm. "He gave us \$5,000 for, like, 10 Rolexes," Prugo said, "which is I guess a ripoff now that I think of it."

Ajar's lawyer, Michael Goldstein, says, "I find it troubling that Prugo, who according to most of the players is the mastermind of these burglaries along with Lee, is now implicating everyone else while my client remains incarcerated."

"I Loved Her"

It was left to the adults dealing with the aftermath of the Bling Ring—cops, lawyers, the victims—to ask "Why?" "Why did they do this?" asked Audrina Patridge, whose home was burglarized on February 22, 2009, Oscar night. "I watched the surveillance videos," she said, "expecting it to be these big scary guys, and instead it was these two kids"—allegedly Lee and Prugo.

In the grainy video, a girl and boy who seem to resemble Prugo and Lee enter Patridge's Hollywood Hills home (they got in through an unlocked door). They pick through her things. The girl looks composed; the boy looks jumpy.

"They took bags and bags of stuff," Patridge said. "They took my great-grandma's jewelry, my passport, my laptop, jeans made to fit my body to my perfect shape." The estimated value of her stolen property was \$43,000. Patridge said she believes the thieves were motivated by her fame. "Rachel Lee was a big fan of me. I was her target," she said she'd heard from cops. "She's a little obsessed girl, I gotta tell you. She's going to get what she deserves."

"Were teenagers too enthralled by stars?" asked *The New York Times*. "They did it for the money. This was their job," said Officer Goodkin, who took over the case from detectives when Prugo's lawyer approached him with his client's confession. But Goodkin said he was also struck by the "stalkerish" aspect of the crimes. "It may be a stretch, but is wanting to wear somebody's clothes that different from wanting to wrap yourself up in their skin, like that guy in *The Silence of the Lambs?*"

Meanwhile, Prugo said that he and his accomplices never discussed "why." "We just did it. I know it sounds dumb, but Rachel just wanted the clothes. She wanted to look pretty." As for himself, Prugo said, "I was just following Rachel ... I loved her almost like a sister."

Nick and Rachel

Nick Prugo met Rachel Lee in 2006 at Indian Hills, where he had transferred after being kicked out of Calabasas High School for excessive absences. He was a troubled kid who had been diagnosed with A.D.H.D., for which he was prescribed Concerta, and "anxiety issues," for which he was given Zoloft. He said that Lee was "the first person I felt was, like, my best friend." They became "inseparable," in constant contact, phoning, IMing, texting.

She was a fashionable girl whom Prugo and Neiers describe as "spoiled" and "haughty." She had troubles of her own; apparently she didn't get along with her mother, Vickie Kwon, a North Korean immigrant and owner of two centers of the tutoring company Kumon. Prugo claims, "Rachel hates her stepfather," whom her mother married when Lee was in her early teens. (Neither Lee nor Kwon responded to requests for comment.)

Around this time, Prugo said, he was also becoming estranged from his parents, Melva-Lynn and Frank, a senior vice president at IM Global, a film-and-television sales-and-distribution company, and the foreign sales agent for the low-budget blockbuster *Paranormal Activity*. "Me and my parents had a falling-out," Prugo said, not wishing to elaborate. "I can't blame them. Whatever I've done, it's my responsibility."

He said that he and his new friend, Lee, "bonded over fashion. I like fashion, I like clothes. I like to think that I'm a stylish guy." He dreamed of designing his own line, as did Lee, who talked about attending the Fashion Institute of Design and Merchandising in L.A. "A lot of the Hills girls went there."

Throughout the 10th grade, Prugo said, they were a couple of "carefree kids," "smoking weed, hanging out at Zuma Beach, going to parties with a lot of under-age kids doing beer pong." And then, that summer, things started to change, when Prugo said Lee proposed they rob the house of a boy in Woodland Hills whom Prugo knew to be out of town. "I'm like, O.K., whatever, just wanting to please her."

"I'm in the house," he said, "walking back and forth, freaking out. I mean, it's weird to go through somebody's things." But Lee, he said, was always "very into it, focused"—so relaxed that when they burglarized the home of Rachel Bilson, on May 9, Lee took the time to go into the bathroom and have a bowel movement.

At that first burglary in the Valley, Prugo said, Lee found a box with \$8,000 in cash under a bed. Which calmed him down. "We each get four grand. Like, this isn't so bad. We didn't kill anybody." The next day, they went shopping on Rodeo Drive.

Prugo said they fell into a nearly nightly ritual they called "checking cars"—taking credit cards and cash from unlocked Bentleya, Mercedesea, and other fancy rides parked in their neighborhood. The next day, they'd go shopping. "We'd go to, like, Kitson," a Melrose boutique popular with starlets. "We'd walk in, stylized and beautiful. We'd use the cards—no one would question."

Meanwhile, Prugo said, he was developing a cocaine habit, "so I was also stealing for drugs." (Arrested for possession in 2009, he's entered into a Deferred Entry of Judgment program, hoping to get the charge dismissed. He says he's clean now.)

He says he doesn't remember exactly why he and Lee decided to start burglarizing celebrities' homes, except that "these were women with, like, fashion sense. Rachel watched *The Hills, Gossip Girl*—all those shows. She loved their clothes." They started "checking up on celebrity Web sites. We'd be like a little research team." They'd drive by celebrities' homes to do surveillance, figuring out how to get in.

They picked Paris Hilton as their first victim, Prugo said, because they figured she was "dumb." "Like, who would leave a door unlocked? Who would leave a lot of money lying around?"

One night in October of 2008, he says, he and Lee entered Hilton's sprawling tile-roofed mansion in a gated community in the Hollywood Hills, opening the front door with a key they had found under the mat. "Stupid," Prugo said, shrugging. He said be found the sensation of suddenly being in Hilton's home "horrifying. There was that percentage of 'Wow, this is Paris Hilton's house,' but as soon as I put my foot in the door I was just wanting to run out."

He says he served as a lookout at the top of the stairs while Lee went into Hilton's bedroom to search for valuables. "I was sweating unnaturally. Every five minutes, I was yelling, Let's get the fuck out of here. She was like, It's fine, it's fine, let's keep going."



Lee took some expensive bras and a designer dress that night, he says (he can't remember which; there would be so many). They took a

bottle of Grey Goose vodka from Hilton's "nightclub room." They took "crumpled cash," he claims, "fifties, hundreds," from Hilton's purses.

The idea was to take so little that the heiress wouldn't notice—and so they could come back again. Hilton actually didn't notice or at least didn't report any of the Bling Ring burglaries until December 19, 2008, when Roy Lopez allegedly stole close to \$2 million worth of her jewelry, stuffing it into one of her Louis Vuitton tote bags. Lopez has been charged with one count of residential burglary. His lawyer, David Diamond, says his client "did not steal anything" from Hilton.

"We found about, like, five grams of coke in Paris's house" on another night, Prugo told police; he says they snorted it and left. Then they "drove around Mulholland, having the best time of our lives."

"I don't know why anyone would listen to allegations made by a self-confessed thief," said Dawn Miller, a rep for Hilton.

My So-Called Real Life

At Alexis Neiers's home in Westlake Village on the afternoon of her arraignment, the E! reality crew was filming a scene in which Neiers's parents recount for their younger daughter, Gabrielle, what happened in court that day. Neiers's mother, Andrea Arlington Dunn, and father, Mikel Neiers, stood in the living room, taking direction from E! supervising producer Gennifer Gardiner, who was feeding them lines: "Tell her, 'Everything's going to be O.K., Gabby."

"Everything's going to be O.K., Gabby," said Dunn, who was still dressed for court in a brown suit. A former Playboy Playmate, Dunn—now married to Jerry Dunn, a production designer for television—is a masseuse and holistic health-care practitioner. Their house, which sits on a rolling, manicured street, is decorated with religious talismans and floor-standing statues of Buddha which Dunn said she got at the closing of a Thai restaurant.

Mikel Neiers, Alexis's father, a tall man in a blazer and jeans—a former director of photography on *Friends* who Alexis says "has been in the industry forever"—was looking rather shell-shocked. "He doesn't really have a place right now," Dunn said, explaining why her ex-husband sometimes lives with the family.

"I've had a lot of struggles with my dad falling off the face of this earth and not being a father," Alexis had complained earlier. (Her father declined to comment on this.) Continuing on the theme of her difficulties, she said, "I had a boyfriend who was into drugs."

Alexis's "dysfunctional background" was the reason why, she said, she "related so well" to Tess Taylor, who sometimes also lives in the Neiers-Dunn household. Taylor, 20, a Playboy Cyber Girl, is still being investigated for her role in the Bling Ring burglaries, according to sources in the L.A.P.D. Taylor's lawyer, Jeffery Rubenstein, had no comment.

Alexis met Taylor (a stage name; her real name is Adler), a dark-haired bombshell, in ballet class when they were toddlers. "We took her in" six years ago, Alexis said. "My mom kinda fell off the face of the planet," Taylor said on the phone. She said she doesn't know where her mother is. "I feel like she's my other half," said Alexis, "I love to go out and dance with my sister." They can also be seen making out with each other in the straight-to-DVD teen flick *Frat Party*.

It was their ubiquity on the Hollywood club scene that got E! interested in the girls for their reality show, tentatively titled *Pretty Wild*, last year. The pilot—which airs in March; unfortunately, I may be in it, having been around while they were filming—includes a wild night in which Alexis and Taylor hit the club Wonderland in Hollywood with their friend rapper Mickey Avalon. "He's such an awesome guy!" Alexis says.

The morning after, October 22, the L.A.P.D. showed up at Alexis's door with a search warrant. In the house, cops found a Marc Jacobs handbag allegedly belonging to Rachel Bilson and a Chanel necklace allegedly belonging to Lindsay Lohan. Alexis denies stealing the items, saying, "I have receipts for everything." The reality-crew cameras kept rolling as Alexis exited Van Nuys Jail that night after being bailed out on a \$50,000 bond. Taylor was released after questioning.

t was through Taylor that Alexis had come to know Nick Prugo—who knew Taylor via mutual friends in the "Valley party scene."

(Taylor went to Oak View High School, while Alexis was home-schooled.) "I didn't care for Nick," Alexis said, "because he took all of Tess's attention. There was a lot of jealousy between me and Tess and him."

"Tess wanted me to be her little best friend," said Prugo. "Tess and Alexis got into a fight about me." He also claims that Rachel Lee was "jealous" of his friendship with the girls.

Alexis said Prugo told her and Taylor that he was a "stylist" for his father's film company, which was presumably why he had access to the expensive designer clothes he would let the girls "borrow." And that is why, Taylor explained, she could be seen in a tryout for a commercial for Axe body spray wearing a vest that cops say belongs to Rachel Bilson—because "Nick dressed me for the commercial." Prugo maintains that Alexis and Taylor were aware the clothes were stolen, and made up the story about his being a stylist as a cover for Alexis's mother.

"Nick really liked the life we had," Alexis said. "He wanted to live like us. He wanted to tag along with us to the clubs we went to, like Apple, Guys & Dolls, Teddy's, Ecco. It was known that we were out hanging out with Emile Hirsch and Leonardo DiCaprio—just, like, typical Young Hollywood."

"They were the first people that brought me out to clubs," Prugo allows.

Later in the afternoon, Gabby and Dunn were in the kitchen, filming a scene in which they were arguing about how to deal with Taylor and Alexis's excessive partying. The producer, Gardiner, fed them lines: "You need to be a stronger parent, Mom! 'These girls are out of control!"

Alexis went onto the porch to smoke a cigarette. She started discussing the Bling Ring. "Rachel's a klepto freak," she said. "She was so manipulating, so conniving. Nick always did what she said. Rachel was in charge. She started it all. Nick, he was a dude—why would he be knocking off chicks' houses?"

"The Beautiful, Gorgeous Things"

By the beginning of 2009, the Bling Ring was in full escalation mode. "While this activity started as a twisted adventure for Prugo and his small group of friends fueled by celebrity worship," says the L.A.P.D. report, "it quickly mushroomed into an organized criminal enterprise."

Between October and December of 2008 there had been four more burglaries of Hilton's house. By February there were allegedly more people involved: Diana Tamayo, president of the class of 2008 at Indian Hills, an illegal Mexican immigrant, according to cops, voted "Best Smile," and Courtney Ames, an old friend of Lee's who went to Calabasas High School and whose stepfather is famed welterweight Randy Shields. "Wanna smoke a bluuunt," Ames wrote on her Facebook page in November.

"I didn't want all these people coming in," Prugo said. "I found it odd that Rachel would want to involve more people."

Still, he participated in the planning of the December 19, \$2 million heist of Hilton's jewelry, allegedly stolen by Roy Lopez, who cops say had been brought in by Ames. She and Lopez had worked together at Sagebrush Cantina, a bar-restaurant in Calabasas. (After Lopez was arrested, on October 22, he produced the majority of Hilton's jewelry, which was returned to her. Lopez, cops say, had not had the criminal sophistication to fence it.)

I met Ames—a light-eyed girl with dyed black hair—at Art's Deli on Ventura Boulevard one night in November. A friend of hers had told me she'd be there. "I didn't do any of this," she said flatly. "I'm not into that whole crowd that's into fame."

She has been charged with one count of residential burglary of Paris Hilton's home. The L.A.P.D. has pictures of her at Les Deux—where she met her boyfriend, Johnny Ajar—wearing a Diane von Furstenberg leather jacket allegedly belonging to Hilton. Ames's lawyer, Robert Schwartz, denies that she was involved in the burglaries.

The stuff, the designer goods—as Prugo said, "the beautiful, gorgeous things, like Marc Jacobs, Gucci, Yves Saint Laurent"—was accumulating, and, according to Prugo, the kids were wearing it around the Valley and to Hollywood clubs. "Diana's, like, entire personal wardrobe was made up of clothing she stole," he said. "Patently false," said her lawyer, Howard Levy. Tamayo has been charged with two counts of residential burglary of Lohan's home and the attempted burglary of Ashley Tisdale's.

The kids seemed to be insatiable—and fearless. They allegedly kept on robbing even after Audrina Patridge posted the surveillance video, believed to be of Lee and Prugo, on her Web site in February. Patridge had hoped that someone would come forward to identify the thieves, but, miraculously, no one did, even though the video was picked up by TMZ and ran on L.A.'s local news stations.

"I was watching KTLA and I saw us and I just broke down," Prugo said. "Rachel made it seem like it was O.K."

According to the L.A.P.D.'s report, the Bling Ring collectively burglarized Rachel Bilson a full six times in April and May, taking nearly \$130,000 in property—so much stuff (clothing, jewelry, makeup, handbags), Prugo said, that they tried to unload some of it on the boardwalk at Venice Beach, scoring a few thousand dollars. In August, they allegedly robbed Brian Austin Green, but their real target was his live-in girlfriend, Megan Fox; Prugo said Lee liked her wardrobe.

Prugo also said that some of the kids continued to conduct surveillance on additional targets, including the homes of Disney stars Miley Cyrus, Zac Efron, Hilary Duff, and Vanessa Hudgens. Meanwhile, he said, he was becoming increasingly nervous about their activities—"worried, scared, just uneasy all the time, anxious, anxious."

Lee may also have been growing concerned. In late July she moved to Las Vegas to live with her father, David Lee, an independent businessman from South Korea. Prugo helped her move, driving through the desert with her car filled up with bags of stolen property.

The Sting

But Rachel Lee couldn't resist pulling off one last heist, Prugo said: "Rachel's, like, biggest conquest was Lindsay Lohan. It was her ultimate fashion icon."

Lee returned to L.A. from Vegas and, on the night of August 23, Prugo, Lee, and Tamayo allegedly burglarized Lohan's Spanish-style home in the Hollywood Hills of close to \$130,000 in clothes and jewelry. Lee and Tamayo were, "like, freaking out over Lindsay's stuff," Prugo said. "I didn't even want to go to Lindsay's, because I had a feeling if anything was taken," in the way of surveillance videos, "it would be released."

It was. On August 26, the L.A.P.D.—with Lohan's permission—released her surveillance video to TMZ. Now there were two videos circulating (Lohan's and Patridge's), making it all but plain to see that they had captured images of the same people, and that there was a connection between the Hollywood Hills burglaries. Tips started pouring in as to the thieves' identities. But police were already moving on information they had received from someone who said she overheard Lee and Prugo bragging of their exploits at a party. Cops used Facebook to ascertain that Lee and Prugo were "friends" with each other.

On October 22, two weeks after Prugo confessed, the L.A.P.D. was issued search warrants for Ajar, Tamayo, Ames, Neiers, Lopez, and Lee. They found Lee at her father's Las Vegas home. "During the warrant service," says the L.A.P.D. report, "Lee asked several officers if they would release her if she told them where 'everything is."

"Hypothetically," Lee allegedly said, "let's say I might know where this property is located and who has it, how could that help me?"

"It is clear that Lee felt that she successfully removed all items of stolen property from the residence," the report goes on. "However, when Lee saw" that cops had found a coat allegedly belonging to Lindsay Lohan and some topless pictures of Paris Hilton (stolen from

Hilton's unlocked safe) on the premises, "her mood instantly changed from being calm and collected to instantly becoming nearly hysterical, physically ill, and gagging as though she were about to vomit.

"Lee asked Detective [Leanne] Hoffman," of the L.A.P.D., "if she had spoken to the victims. Hoffman replied that she had spoken to all of the victims. Lee became excited and asked, "What did Lindsay say?"

Lee has been charged with three counts of residential burglary of the homes of Lindsay Lohan, Paris Hilton, and Audrina Patridge.

Postscript

It isn't clear yet whether there will be a trial in the case of the Bling Ring. If there is, all the celebrity victims may be called to appear, and it's possible that Nick Prugo will be the prosecution's star witness. It isn't a role he relishes—he's been called "a rat," although many other members of the Bling Ring told police of each other's involvement as well—but, he said, "I'm just trying to help the police in any way I can."

Awaiting the resolution of the case, Prugo is living at home, attending the University of Phoenix online, and seeing a therapist weekly. Since Lee was arrested, he says, he has not had any contact with her. "It was a real friendship, and this whole thing's been really hard," he said. "I still love her."

He said he believes that confessing was "the turning point in my life. I want to make it clear that everything I had in my possession I gave back. It was really hard for me to do that, but the stuff wasn't mine anyway, so I'm a piece of shit for taking it.

"I'm just really trying to make whatever amends I can, especially to these celebrities that I victimized," he said. "I really want them to know that I'm sorry. I'm not really sure how I'm going to do that yet. But I really plan on making some formal apology to them. I don't know how they'll react. I mean, to have someone in your house, where it's your most personal of sanctuaries ... " He seemed at a loss for words.

He was wearing a pair of good-looking shoes, shiny black sneakers. I asked him where he got them. "A thrift store," he said ruefully. "Thirteen bucks."

Nancy Jo Sales is a Vanity Fair contributing editor.



Namey To Sales joined Vanity Fair in May 2000 as a contributing witter.











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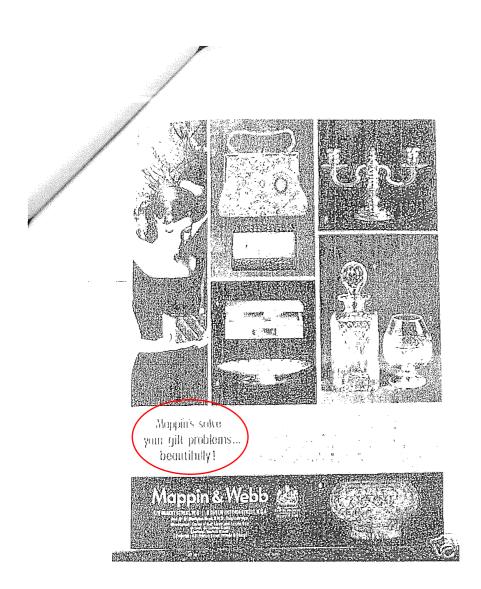
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1960's

PRINCESS GRACE IS DEAD AFTER RIVIERA CAR CRASH

CLYDE HABERMAN Published: September 15, 1982

Princess Grace of Monaco, whose stately beauty and reserve gave her enduring Hollywood stardom even long after she ended her film career, died yesterday in Monte Carlo of injuries suffered when her car plunged off a mountain road Monday. She was 52 years old.

The Princess, the former Grace Kelly, died of a cerebral hemorrhage, a palace spokesman said in Monaco. Princess Grace wa driving her British Rover 3500 on a snaking road at Cap-d'Ail in the Cote d'Azur region when she lost control and plunged down a 45-foot embankment. The car burst into flames, and the Princess suffered multiple fractures, including a broken thighbone, collarbone and ribs.

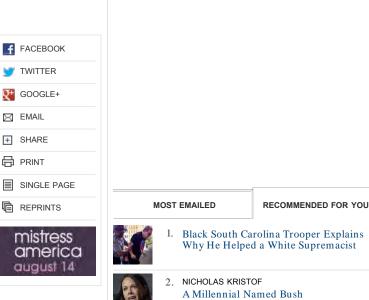
Initial reports gave no sense that her life was in jeopardy. But a Monaco Government announcement yesterday said that her health had "deteriorated during the night."

"At the end of the day all therapeutic possibilities had been exceeded," the announcement said. With her in the car was Stephanie, 17, her youngest child by Prince Rainier III of Monaco. Stephanie was under observation at a hospital where she had been treated for shock and bruises. Reagan Praises 'Gentle Lady'

Princess Grace's death brought expressions of grief from former Hollywood colleagues and from residents of her hometown, Philadelphia. President Reagan called her "a compassionate and gentle lady." In Philadelphia, a spokesman for John Cardinal Krol said the Cardinal, who was a close friend, would offer a memorial mass for her at noon Friday.

Alfred Hitchcock, who directed Grace Kelly in three films and was certainly in a position to judge, once said she had "sexual elegance." And it was that very elegance that probably made its most lasting impression on movie audiences of the 1950's.

Whether playing the heiress in "To Catch a Thief" or the Quaker pacifist in "High Noon" or the amusedly detached career girl - a term still in vogue when "Rear Window" was made - Grace Kelly carried herself with straight back and clipped-voice self-assurance. Yet just beneath the frosty exterior lay a sensuality and warmth that cracked the formidable reserve.



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8. ROSS DOUTHAT Looking Away From Abortion



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10. Hologram Performance by Chief Keef Is Shut Down by Police

It was this delicate balance of contrasts that helped give her legendary status - a remarkable achievement for an actress whose career encompassed only 11 films. She made more of that small portfolio than actors who lasted in Hollywood many more decades. Twice she was nominated for an Academy Award, and once she won it, for her 1954 performance in "The Country Girl." There was a certain irony in the fact that the Oscar came, not for her portrayal of yet another detached beauty but of a frumpy harridan, desperate in her unhappy marriage.

By then the range of her talent was obvious, and Miss Kelly was constantly in demand for a variety of screen roles. But just as swiftly as her film career blossomed, it came to an abrupt end in 1956 when she married Prince Rainier of Monaco, the tiny principality on the French Riviera.

The year before she was in Cannes filming "To Catch a Thief" with Cary Grant and it was at the film festival there that she met the Prince, a member of the Grimaldis, Europe's oldest royal family. At first, their friendship seemed little more than a good story for the gossip columns - Hollywood star meets royalty and both drive off into a gold and purple Mediterranean sunset.

But before long it became clear that there was more than that to this relationship. He went to Philadelphia to spend a Christmas holiday with her family. She went to Monte Carlo to visit him in his 200-room pink palazzo. Couple Marry in Cathedral

On April 18, 1956, shortly after she completed the movie "High Society," they were married in the Cathedral of St. Nicholas in Monaco. It was a media event of such staggering proportion that Miss Kelly, now Princess Grace, later suggested that she and the Prince should have been awarded battle ribbons for all the fighting that was required for them to push through the crowds. pick up first add

With marriage, she abandoned acting. The effect, as time passed, was to burnish her film career in public memory. Early on in her marriage she received many offers of movie roles but she kept turning them down. Some of her former colleagues in Hollywood could not understand why, but Gary Cooper, her co-star in "High Noon," shrugged off the idea of a Kelly comeback.

"Why should she?" he said. "She's moved from an artificial stage to a real one." Her **Duties Predominate**

Periodically, there would be reports that she was indeed about to resume her career but nothing ever came of them. "Here I have my obligations and duties as a princess and mother," she said. "One cannot do everything."

Her life as Princess of Monaco was obviously enhanced by privilege but also circumscribed by duty. She became a supporter of charities and cultural events. Much of her time was devoted to her three children, the oldest of whom, Princess Caroline, was born in 1957. In recent years, Princess Caroline outranked her mother as a source of fascination for curiosity-seekers, mostly as a result of her marriage to and then divorce from Phillipe Junot, a French businessman whom some people liked to describe as "the playboy next door."

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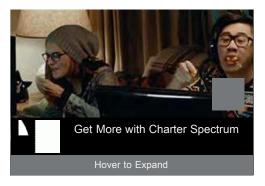


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PRINCESS GRACE IS DEAD AFTER RIVIERA CAR CRASH

Published: September 15, 1982

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In recent years Princess Grace made occasional forays into show business, never for very long and usually to read prose or poetry for one benefit or another. She did make one movie, sort of, five years ago - a delicate documentary about the Kirov Ballet school in Leningrad called "The Children of Theater Street." The Princess narrated the film and appeared on screen briefly. But when, inevitably, the question arose whether she would plunge fully into work once again, she smiled at her interviewer and said, "Oh, no, not again."

"I'm getting older, too, dear," she added. "The only one who isn't is Cary Grant." Safely Short of Iciness

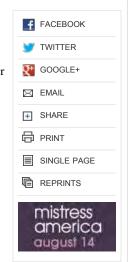
A lot of people would have said the same thing about her. Always, she had a beauty that came perilously close to iciness but managed to stop safely short. Scratch that coating of ice - and most of her directors did - and exposed just beneath the surface was, variously, warmth, intelligence and sexuality. She could even be whimsical, in a detached fashion, a quality that she showed to advantage in "Rear Window," in which she was the girlfriend of James Stewart, a photographer with a broken leg who witnesses a murder across the courtyard from his apartment.

Perhaps no one caught the inherent sensuality more than Hitchcock, who said in later interviews that this was no mean trick, given Miss Kelly's reserve. A good example of the passion was a love scene with Cary Grant in "To Catch a Thief." These days, a younger generation might regard the scene as coy, but the sight of Grant and Kelly embracing while fireworks exploded at a Cannes carnival in the background was enough to send the blood of more than a few moviegoers racing.

For herself, Miss Kelly was never comfortable with her popular image as an ice queen. "I'm not an extrovert - but I'm not unfriendly either," she told an interviewer early in 1955. "I'm not the exuberant type, but I don't like to read that I'm cold and distant. I don't think I am."

The patrician manner, suggesting English roots, did not accurately reflect her Philadelphia background. Father Acquires Riches

Princess Grace was born Nov. 12, 1929, into a family that in later years would be



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9. WELL Cool at 13, Adrift at 23

10. Hologram Performance by Chief Keef Is Shut Down by Police compared frequently to the Kennedys - rich, attractive and Irish-Catholic. The difference, however, was that the Kennedys were from Boston, a kind of Irish-Catholic citadel; the Kellys were from Philadelphia, a city in which few Irish had become prominent. John Brendan Kelly, Princess Grace's father, was one of the first.

Mr. Kelly, the son of an immigrant, worked as a bricklayer. He was also a local sculls champion. His 1920 entry into the English Diamond Sculls at the Henley Regatta was refused, however, because he "worked with his hands" -a manual laborer. Supposedly, he immediately sent his sweaty rowing cap to the King of England as a souvenir.

The incident made Mr. Kelly a Philadelphia celebrity. He left bricklaying and became a contractor, made money, and raised his family in the comfortable suburb of Germantown. His wife, Margaret, was a celebrated beauty, who, before her marriage, worked as a photographer's model.

Princess Grace was the third of their four children. There was an older sister, Margaret, and an older brother, John B. Kelly Jr., who, in 1947 and 1949, would win the Henley sculls championship that had been denied his father. The victories, of course, added immeasurably to the family mystique.

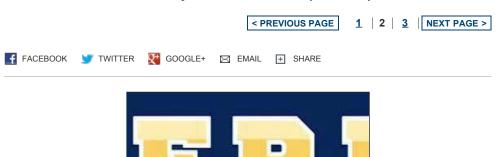
In later years, most stories about Princess Grace described her as a shy, withdrawn child, despite her family's luster. Besides her successful father, there were her successful uncles: George Kelly, a Pulitzer Prize-winning playwright, and Walter C. Kelly, a famous vaudevillian. 'Inner Tranquility' Noted

"She was a shy child, but there was a kind of inner tranquility and quiet resourcefulness," Mrs. Kelly said about her daughter years later. "She never minded being kept in bed and would sit there with her dolls for hours on end making up little plays. Grace would change her voice for each doll, giving it a different character."

Meanwhile, the Kellys continued to prosper. Mr. Kelly, who lost an election for Mayor of Philadelphia in 1935, reportedly had entered the contracting business with a loan of \$7,000; by the mid-1950's, when his daughter was already famous as an actress, his wealth was estimated at \$18 million.

As a child, Grace attended the Ravenhill Academy, a convent school, and then the Stevens School, where she was graduated in 1947. She applied to Bennington College in Vermont because of its drama department, but was denied admission, apparently because she lacked sufficient academic credits. As an alternative, she applied to, and was accepted by, the American Academy of Dramatic Art in New York. She left Germantown forever, and moved into the Barbizon Hotel for Women.

Last April she returned to Philadelphia to be honored in ceremonies that were part of the city's celebration of its 300th anniversary. That the city still regarded her as one of its own was apparent in remarks made by Mayor William Green upon the news of her death. "She was, and is, Philadelphia's once-and-a@lways first lady," Mr. Green said.





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PRINCESS GRACE IS DEAD AFTER RIVIERA CAR CRASH

Published: September 15, 1982

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After leaving Germantown Miss Kelly studied acting, and, as had her mother before her, she became a photographer's model. In July 1949 she made her professional debut at the Bucks County Playhouse in New Hope, Pa., in a revival of George Kelly's comedy "The Torch Bearers." On Nov. 16, 1949, she made her Broadway debut as the Captain's daughter in Strindberg's "The Father" at the Cort Theater.

By then, Miss Kelly was developing the coolness and beauty that would make her famous. "We noticed that her voice was beginning to change," her mother said. "Instead of her old nasal whine, she was speaking in a lower, gentler register. Her sisters would make fun of her, but she would say, 'I must talk this way - for my work.'

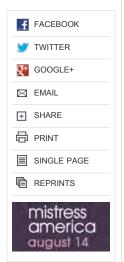
They saw that she was serious and stopped joking." Frequent Television Appearances

Meanwhile, Miss Kelly began appearing frequently on television, usually in dramatic series: "The Philco Television Television Playhouse," "Studio One," "The Hallmark Hall of Fame," "The Somerset Maugham Theater," "The Lux Video Theater," "Robert Montgomery Presents" and "The Armstrong Circle Theater."

Miss Kelly made her movie debut in 1951, with a small part in a film called "Fourteen Hours." That summer she also joined the Elitch Gardens Theater in Denver, appearing in a number of plays. She was also cast in what was to be her first major success: the movie "High Noon."

"High Noon" marked Miss Kelly's emergence as a star. The Western, which was directed by Fred Zinnemann, was a vehicle for Gary Cooper, although in the small but important role of Mr. Cooper's Quaker wife Miss Kelly was praised. But she confessed to doubts. "I suddenly thought, 'Perhaps I'm not going to be a great star,' " she told an interviewer, "Perhaps I'm not any good after all." So she went back to New York to brush up on her skills at Sanford Meisner's Neighborhood Playhouse. Briefly, she returned to Broadway, in "To Be Continued." But on its demise, M-G-M signed her to a seven-year contract and, at first, \$750 a week.

Her first M-G-M assignment was "Mogambo." It was directed by John Ford, and it turned her from budding to full-fledged star. In this 1953 movie, filmed in Africa, Miss Kelly developed what would become her quintessential movie persona. She was a



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patrician beauty who fell in love with a white hunter, in this case Clark Gable. The part brought Miss Kelly an Academy Award nomination as best actress.

Inevitably, there was talk that she was romantically involved with Mr. Gable - the sort of speculation that would arise later in regard to other co-stars, including Ray Milland, who appeared with her in her next film, "Dial M for Murder." Consistently, Miss Kelly declined to discuss the rumors.

Her biggest screen triumph was in the film that brought her the Oscar, "The Country Girl," in which she played opposite William Holden and Bing Crosby. Initially, it was not to be her role. Jennifer Jones was up for the part, but she became pregnant, eliminating her from consideration. Significance Played Down

Characteristically, after the movie was a success and she walked off with the Academy Award, Miss Kelly played down the significance. "Next year, it will be somebody else," she said, but added, "I'm delighted it's me right now."

In interviews, Miss Kelly displayed much of the reserve she brought to her roles and it was often difficult for interviewers to extract self-analysis. That difficulty bordered on impossibility at times after she married Prince Rainier. Until recent years, she preferred a relatively cloistered life. Not that she did not make her share of public appearances; it was just that when she did emerge she chose to say little.

For several years after her wedding, Hollywood held little appeal. But in 1962 there was a brief announcement from the palace in Monaco that she would return to motion pictures to star in the Hitchcock film "Marnie." Friends were quoted as having said that she had agreed to the comeback out of friendship for the director and that she had no intention of allowing this to become a habit.

In fact, she wound up not doing "Marnie" at all. She changed her mind, she said, explaining that she had received unfavorable reaction from the people of Monaco. More important, she added, was that she did not want to be separated for any great length of time from her children - Princesses Caroline and Stephanie and Crown Prince Albert. (Her part in the movie went to Tippi Hedren, yet another of the many regal blondes whom Hitchcock favored.)

Life in a picture-book castle on a cliff above the Mediterranean was no doubt rewarding for the former Miss Kelly, but she felt it also forced her to be diligent.

One obvious difficulty was a tendency among some people to make jokes about Monaco, assuming they thought about it at all. This was, after all, a principality with many times more croupiers than soldiers. Duties Taken Seriously

And so, as a serious person, the Princess took her royal duties seriously, presiding at countless benefits and galas and presentations. She once described a typical day as beginning at 7:15 A.M., with her then spending several hours at her desk and then receiving visitors to the palace, with much of the remaining time taken up with appearances at various projects and charities.

There was discomfort for the royal family when Princess Caroline became romantically involved with Phillipe Junot and then married him in 1978. It was difficult to pass a newsstand without seeing the young Princess or her beau, or both, peering from the cover of at least one gossip magazine. The barrage of publicity was an embarrassment to Prince Rainier and his wife, especially when it grew fierce upon the breakup of the young couple.



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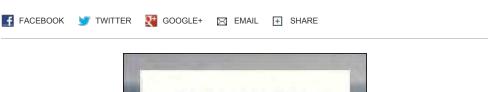


When she herself had wed, "I told the Prince that we're not impressed by royalty," Princess Grace said, referring to her and her father. "We're impressed by the man. Marriage is not a game of musical chairs with us. We play for keeps."

Still, she was not believed to be distraught when Caroline's marriage ended two years ago. In the the last few years, Princess Grace rekindled curiosity about whether she might be leaning toward a comeback. There was the "Theater Street" documentary and scattered appearances, such as one last March, when she read prose and poetry from the stage of the Chichester Festival Theater in England.

Once again, the Princess dismissed such talk. "It's most unlikely I'll ever go back to films," she said. "I haven't made one for 20 years."

Illustrations: photos of Princess Grace of Monaco (Page C24) photos of Princess Grace of Monaco





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1999 WL 590698 (Trademark Tr. & App. Bd.)

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Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

REIDL UHRENGROSSHANDELS-GESELLSCHAFT M.B.H.

v.

VIVA TIME CORP.

Opposition No. 98,504 application Serial No. 74/542,908 filed on June 27, 1994 July 30, 1999

*1 Mark D. Engelmann of Fross Zelnick Lehrman & Zissu, P.C. for Reidl Uhrengrosshandels-Gesellschaft m.b.H. Ezra Sutton of Ezra Sutton, P.A. for Viva Time Corp.

Before Hairston, Wendel and Bottorff Administrative Trademark Judges. Opinion by Hairston Administrative Trademark Judge:

An intent-to-use application has been filed by Viva Time Corp. to register the mark JACQUES LAURENT for watches, key chains made of precious metals, and jewelry in class 14; and attaché cases, handbags, purses, wallets, and leather key cases and accessories in class 18. ¹

Registration has been opposed by Reidl Uhrengrosshandels-Gesellschaft m.b.H. under Section 2(d) of the Trademark Act on the ground of likelihood of confusion between applicant's mark and opposer's mark JACQUES LEMANS for watches and alarm clocks. Opposer alleges that it is the owner of application Serial No. 74/434,169, filed September 9, 1993, for said mark and goods. ²

Applicant, in its answer, denied the salient allegations of likelihood of confusion.

We turn first to an evidentiary matter. On August 24, 1998, applicant submitted its brief on the case which included a list of third-party registrations for marks which include the name "Jacques." On the same date, applicant filed a motion to reopen its testimony period to submit certified copies of these third-party registrations. Applicant stated that opposer would not be prejudiced by the granting of the motion because applicant had advised opposer of the third-party registrations during discovery. Further, applicant stated that it had requested certified copies of the registrations from the PTO, but that they had not yet been received by applicant. Attached to the motion was a copy of applicant's request dated January 23, 1998.

Opposer, in its reply brief filed September 9, 1998, has opposed the motion to reopen and also argues that no consideration should be given to the list of registrations in applicant's brief. The Board, in an order mailed January 13, 1999, deferred action on applicant's motion to reopen until final hearing.

The showing that must be made to reopen a prescribed period under the Federal Rules of Civil Procedure is set forth at Rule (6)(b), made applicable to Board proceedings by Trademark Rule 2.116(a). Rule 6(b) provides for an enlargement of time after the expiration of the specified time period, "where the failure to act was the result of excusable neglect."

As clarified by the Supreme Court in Pioneer Investment Services Company v. Brunswick Associates Limited Partnership, 507 U.S. 380 (1993), and followed by the Board in Pumpkin, Ltd. v. The Seeds Corps, 43 USPQ2d 1582 (TTAB 1997), the inquiry as to whether a party's neglect is excusable is:

*2 at bottom an equitable one, taking into account all relevant circumstances surrounding the party's omission. These include ...(1) the danger of prejudice to the [nonmovant], (2) the length of the delay and its potential impact on judicial proceedings, (3) the reason for the delay, including whether it was within the reasonable control of the nonmovant, and (4) whether the movant acted in good faith.

Pioneer, 507 U.S. at 395. In subsequent applications of this test, several courts have stated that the third Pioneer factor, namely the reason for the delay and whether it was in the reasonable control of the movant, might be considered the most important factor in a particular case. See Pumpkin Ltd. at 1586, footnote 7 and the cases cited therein.

Initially, we consider the third Pioneer factor, and we find that applicant's failure to make copies of the third-party registrations of record during its testimony period was due to circumstances wholly within its control. First, we must point out that it was not necessary that copies of the third-party registrations be certified or show current status and title. Plain copies of the registrations themselves, or the electronic equivalent thereof, that is, printouts of the registrations from the electronic records of the PTO's trademark automated search system would have been sufficient. See TBMP §703.02 and cases cited therein. More importantly, applicant has offered no explanation for its failure to timely move to extend its testimony period when it realized it would be unable to submit copies of the registrations during its testimony period. Applicant had an obligation to file, prior to the close of its testimony period, a motion to extend said period.

As regards the remaining Pioneer factors, while we find no evidence of a bad faith attempt by applicant to delay this case, opposer would be prejudiced by the introduction of new evidence at this stage of the proceeding. Further, the delay in applicant's defense of this case is detrimental to the orderly administration of the opposition process.

In view of the foregoing, applicant's motion to reopen its testimony period is denied. Also, opposer's objection to the list of third-party registrations in applicant's brief is well-taken. A party may *not* make third-party registrations of record simply by introducing a list of such registrations. See TBMP \$703.02(b) and cases therein. Also, evidentiary materials attached to a party's brief can be given no consideration unless they were properly made of record during the party's testimony period. See TMBP \$705.02 and 801.01. Further, factual statements made in a party's brief can be given no consideration unless they are supported by evidence properly made of record. See TBMP \$706.02. Thus, we have given no consideration to the list of third-party registrations in applicant's brief, or applicant's arguments in connection therewith, in reaching our decision herein.

The record consists of the pleadings; the file of the involved application; and the file of opposer's application and applicant's responses to opposer's interrogatories, made of record by way of opposer's notice of reliance. Applicant neither took testimony nor introduced any other evidence. Both parties submitted briefs on the case.

*3 Because of the sparse record in this case, little is known about the parties. Applicant, in response to opposer's interrogatories, indicated that it selected the mark JACQUES LAURENT because it had a French connotation. Also, applicant indicated that the wholesale price of its watches will be between \$20.00 and \$30.00 and that it intends to sell its watches through retail and department stores.

We turn to the merits of this opposition proceeding. Insofar as priority is concerned, opposer filed its application on September 9, 1993 which is prior to June 27, 1994, the filing date of applicant's application. Thus, in the present case, priority rests with opposer. See Section 7(c) of the Trademark Act.

With respect to the issue of likelihood of confusion, two key considerations are the similarities between the marks and the similarities between the goods. In this case, the goods are identical, i.e., watches. The goods are assumed to move in the same

channels of trade to the same classes of purchasers. Moreover, we assume that the purchasers of the parties' products are ordinary consumers.

We focus our attention then on the involved marks. It is opposer's position that the marks are nearly identical in overall commercial impression because each mark has a French connotation and consists of the given name JACQUES and a surname which begins with the letter "L."

Notwithstanding opposer's argument, we believe that in this case, it is appropriate to give greater weight to the surname portions of the marks. In this regard, the Board has recognized the practice of identifying or referring to individuals (and their names used as trademarks) by surnames alone. Seligman & Latz, Inc. v Merit Mercantile Corp., 222 USPQ 720, 722 (TTAB 1984). See also Nina Ricci, S.A.R.L. v Haymaker Sports, Inc., 134 USPQ 26, 28 (TTAB 1962) and Polo Fashions, Inc. v. La Loren, Inc., 224 USPQ 509, 512 (TTAB 1984) [[It is common in the fashion industry to refer to designers by their surnames alone]. The surnames LAURENT and LEMANS are obviously different in sound, appearance and connotation and, thus, when we consider the marks in their entireties, giving appropriate weight to the surnames, we find that JACQUES LAURENT and JACQUES LEMANS create different commercial impressions.

We note opposer's reliance on Ceccato v. Manifattura Lane Gaetano Marzotto & Figli S.p.A., 32 USPQ2d 1192 (TTAB 1984) wherein the Board held that applicant's mark DUCA D'AREZZO (stylized) for clothing was likely to cause confusion with opposer's mark DUCA D' AOSTA for identical goods. That case is distinguishable, however, because each of the marks therein consisted of a title and place name, not a given name and surname.

In sum, notwithstanding the identity of the goods, we find that the marks JACQUES LAURENT and JACQUES LEMANS are sufficiently different that confusion is not likely.

Decision: The opposition is dismissed.

- P. T. Hairston
- H. R. Wendel
- C. M. Bottorff
- *4 Administrative Trademark Judges Trademark Trial and Appeal Board

Footnotes

- Application Serial No. 74/542,908 filed June 27, 1994. The application contains the following statement: "The name shown in the mark does not identify a living individual. It is a fanciful and arbitrary name."
- Although the application was initially filed under Section 1(b) of the Trademark Act (intent-to-use), it was subsequently amended to assert Section 44(e) as the basis therefor. The application contains the following statement: "Jacques Lemans is not known to be the name of any particular living individual." We note that Office records show that this application issued as Registration No. 2,218,014 on January 19, 1999.

1999 WL 590698 (Trademark Tr. & App. Bd.)

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